THE SECOND PART OF A

BRIEF REGISTER AND SURVEY

Of the several Kinds and Forms of Parliamentary VVrits.

COMPRISING

The *several Varieties* and *Forms of Writs* for *electing Knights, Citizens and Burgesses for Parliaments* and Great *Councils*, issued to *Sheriffs of Counties* only; with the *antientest Returns* of these Writs by *Sheriffs* yet extant on Record (from 49 H. 3. til 22 E. 4.) amongst the Records in the *Tower*: intermixed with other rare Writs, pertinent to this subject; and some Writs of *Prorogation* and *Re-summons*, with special usefull *Annotations* and *Observations* on them, after most of these *Writs* recitals, for the Readers information.

Wherein the Original of the *Commons House*, and Elections of *Knights, Citizens, Burgesses*, and *Barons of Ports* to sit in *Parliament*, is infallibly evidenced to be no antienter than 49 H. 3. the *Presidents* and *Objections* to the contrarie, answered: The Original of antient *Boroughs*, and how many they were under King *Edward* the 1. 2, 3. discovered: The Power of the *Kings* of *England*, in creating new Boroughs by Charters or Writs, *augmenting*, diminishing the number of Knights, Burgesses, Members of the Commons House, and altering the *Forms* of *Writs* of *Summons*, without a Parliament: The inability of the *Commons House* to *call*, or *censure* any one of their Members, much lesse the major part (as now) without the *King* or House of *Lords* concurrence and Judicature, and the inconsistency of force and armed Gards with Parliaments freedom, are fully evidenced. Some grosse mistakes touching Parliament Writs and Members refuted, with many other *Rarities concerning Parliaments*.

By *William Prynne* Esquire, a Bencher of *Lincolns-Inne*.

Jer. 6 16. *Thus saith the Lord, Stand ye in the waies and see, and ask for the old paths, where is the good way? and walk therein, and ye shall find rest for your Soul's: but they said, We will not walk therein.*

LONDON, Printed by *T. Childe* and *L. Parry*, and are to be sold by *Edward Thomas* at the *Adam* and *Eve* in *Little Britain*. 1660.

To the Reader.

Courteous Reader,

LEt it *seem neither strange, nor injurious, nor unrea-sonable or unseasonable to thee, that I now publis only one single* Section *and* Fragment *of the* severa Forms of Writs *for* electing Members *of the* Com-mons House in Parliament, *without the remaining* Se-ctions *I at first intended to accompany it, to make it com-pleat; when as a very small* Fragment *of the old* Com-mons House, *not the full* Tenth part *of it, (after thei own* double forcible dissipation *by the* Army, *) ha by their own* special command *forcibly excluded all th old* secluded Members, *(being above 200.) by arme Gards, not only out of the House but* Lobby *too,* De-cemb. 27. *and voted them* quite out of the House th 5th. *of* January 1659. *without the least accusation hearing, behind their* backs, *though ready to justi themselves face to face against all Objections, contrary all Laws of (a)* God, Nations, *and the* Land; *whi* judge *and* disfranchise no man how criminal or vi soever, before he be heard, & have his Accusers fa to face, and have license to answer for himself co cerning the crimes laid against him. *It* seemin (b) unreasonable *(even in the judgments of mere Pagan to* imprison or condemn any person, and not witha to signifie the crimes laid against him. *The only grou of this their* Unparliamentary *bruitish Vote witho any crime, cause, or particular* Members *names expr sed in it, is our (c)* voting the Kings Concessions up the Propositions, to be a Ground for the House proceed upon for the settlement of the peace of t Kingdom, *according to our Trusts, Judgements, C sciences, after 3. daies and one nights debate without* vidi

a Deutr. 17. 2, to 14. John 7. 51. Acts 23. 30, 35. c. 24. 8, &c. c. 25. 16, 17, 18. Magna Charta c. 39.

b Acts 25. 27.

c See the Epistle to my Speech, Dec. 4. 1648.

1659
P973
Fi
2

viding the House, when there were above 300. Members present: for which Vote alone Decemb. 5. (as it now appears) they then gave secret Orders to the Army Officers to secure 45. and seclude above 200. more Members Dec. 6 & 7. 1648. and since that to re-seclude them, May 7 & 9. and Decemb. 27, 1659. placing treble Gards at the door, January 5. when they passed their vote to discharge, & disable them from sitting, to keep them out if they then attempted to enter. Had this bin only a sin of Ignorance, or private Injury, we should with patience and Christian charity, have pretermitted and remitted it without our Saviors prayer, Father forgive them for they know not what they do: but being a wilfull malicious, unnatural crime against not only their Fellow-Members, contrary to all rules of Justice, Nature, and the Gospel it self, resolving, That there should be no Schism in the Body (of the House or Parliament, no more than in the natural Body) but that **the Members should have the same care one of another**, and whether **one Member suffer, all the Members suffer with it**; but also the highest injury and affront to all those Counties, Cities and Boroughs they represent, and a new kind of Gupowder-Treason, to blow up all English Parliaments foundations, Rights, Privileges, Members, and the fundamental Government, Laws, and Liberties of the people in succeeding generations, if connived at, & not fully vindicated; being 6. several times, or more, impenitently perpetrated by them, the last after their own late double dissipations by divine retaliation, which they so highly resented as Treasonable and Flagition in Cromwell and Lambert, seconded with an old and new Engagement and Oath of Abjuration, which some of them have already taken, & intend to obtrude upon the Consciences of our 3. Nations, to send them down quick into Hell, if taken, or ruine them in their Liberties & Properties if denied, I cannot but look upon it as a kind of sin against the Holy Ghost (which I fear some of these desperadoes have wellnigh arived unto) which shall never be forgiven

c Luke 23, 24.

d 1 Cor. 12. 25, 26.

d Mat. 12. 31, 32.

to

to men, neither in this world, nor in that which is to come. *The rather because they arrogate to themselves, the* Name, Power *and* Judicature *of* THE PARLIAMENT, *no lesse than* 5. *times in this short* Nonsence Vote; *when as they are not the* Tithe *of a* Commons House, *and no* Parliament at all, *without the* King, *and* House of Lords, *& have not the least legal Jurisdiction to* seclude *or* vote *out any one* Member, *without the* Kings *or* Lords *concurence; whom they have engaged against, abjured, secluded against the very* Act *by which they pretend to sit: who were a Parliament alwaies without a Comons house til* 49H.3. *without whom they can now Enact, Vote, Order nothing, that is valid, or Obligatory to the secluded* Members *or* people; *as this and the former part of my* Register, *and Plea for the Lords, will inform those* Ignoramusses *in* Parliamentary proceedings *who think they may act, enact, and vote what they please, against all rules of Justice, the Laws of God and the Land) and our whole* Nation, *the reason and end of its present publication. If they or any others, shall receive any* New-light, *from these new unknow* Antiquities, *to reduce the* over-swelling House of Commons, *within its antient* bounds *of* loyalty *and* sobriety, *for the* peace, *and* settlement *of our* 3. Kingdoms, *reduced to the brink of utter ruine, by their dangerous Jesuitical* Innovations, *and* Usurpations *over their fellow-Members, Peers and Kings; and restore our Parliaments to their antient* Constitution, Rights, Privileges, *without any injurious* Incroachments *upon the Peoples* Liberties, *or one* House *upon the other, I shall blesse God for it, and by his assistance, proceed to publish the remaining* Sections, *for the benifit of Posterity. In the mean time, I hope this* Fragment *will demerit thy* thanks *too, and thy* fervent *Prayers for thy friend,*

The unfeined, unmercinary Servant of his
Lincolns-Inne Native Country, in his generation
Jan. 7. 1659. *William Prynn.*

THE SECOND PART OF A

Brief Register, Kalendar, and Survey of the several Kindes, Forms of

PARLIAMENTARY WRITS.

HAving already presented the world with the *First Part* of my *Brief Register, Kalendar* and *Survey* of the several *kinds*, forms of *Parliamentary Writs*, in 3. distinct Sections, with *Special* & *General* Choise useful *Annotations* on, and *Observations* from them, relating principally to the *Members* and *Assistants* of the LORDS HOUSE; I shall now proceed in this *Second Part* (by Gods assistance) to communicate to this present age and Posteritie in several Sections, the manifold varieties, forms of *Writs* issued to *Sheriffs of Shires*, and particular *Corporations* made Counties within themselves, *Wardens of the Cinqueports*, *Majors of Towns*, Burroughs, and *Officers of the Ports*, for electing *Knights*, *Citizens*, *Burgesses*, *Barons of the Ports*, and other *Members*, to serve in our *Great Councils*, *Parliaments*, or attend

upon, or appear before them as *Aſſiſtants*, or otherwiſe upon Extraordinarie Occaſions; with the different Forms of Writs for *Proroguing*, *Adjourning*, *Superſeding Parliaments*, or *Councils* after the firſt Writs of Summons, iſſued to *Spiritual* and *Temporal Lords* of all ranks, the *Kings Counſil*, *Sheriffs*, and other *Officers*: with extraordinarie *Writs* directed to the *King*, *Nobles*, *Officers*, and others of *Scotland*; and to ſome *Lords*, *Officers*, and others in *Ireland*; as likewiſe to *Merchants*, *Maſters*, *Owners* of Ships, and other private perſons, to appear *at* or *before* the *Parliament*, or *Kings Counſil* in *England*, upon urgent occaſions, relating to the reſpective Lands, affairs, defences of *Scotland*, or *Ireland*, or to the Guarding of the Seas, Merchandize, trade, and the like, with ſundrie kinds of *Writs*, iſſued to the *Arch-biſhops*, *Biſhops*, *Convocations*, *Clergy* of England; beſides other rare *Writs* relating to our Parliamentarie affairs and proceedings; not hitherto publiſhed or inſiſted on by any Writers of our Parliaments, though moſt worthie the knowledg of all Noble-men, States-men, Parliament-men, Lawyers, Gentlemen of qualitie, Antiquaries, Hiſtorians, hitherto (for the moſt part) totally unacquainted with them, or the majoritie of them, almoſt quite buried in the grave of oblivion, many of our Records being now overſpread with duſt, cobwebs, and eaten up with ruſt, cankers, moths, worms, in their over-much neglected Cells, for want of induſtrie, care in thoſe who ſhould preſerve, and reduce them into better order, for the publike benefit of the preſent and ſucceeding ages; A Work fit to be ſpeedily executed, promoted, and no longer deferred by thoſe whom it moſt concerns, and by perſons in higheſt Authoritie as worthy their ſuperintendent eye and countenance, being the richeſt Treaſures of the whole Engliſh Nation.

SECTION

SECTION IV.

Of the several varieties, forms of Writs, for electing Knights, Citizens, *and* Burgesses *for* Parliaments *and great* Councils, *issued to the* Sheriffs *of* Counties, *intermixed with some of their ancientest* Returns *by* Sheriffs; *and some writs of* Prorogation *and* Resummons; *with special usefull* Annotations *on, and* Observations *from them, after most of these* Writs recitals.

WHen and in what Kings Reign, Writs for electing *Knights, Citizens,* and *Burgesses* to serve in our great *Councils & Parliaments* were first issued, and they upon the peoples free choice admitted into them as *Members*, is a great yet undecided Controversie amongst Antiquaries, and Writers of our *English* Parliaments. (a) *Some* conceit, that there were Knights, Citizens, Burgesses, and Commons in the Reigns of our *Saxon* Kings, before the Conquest, summoned as Members to their grand Councils, and included together with the Nobles, under the name of *Sapientes*, and the like; for proof whereof they much insist upon the pretended ancient Treatise, stiled, *Modus tenendi Parliamentum*, which in truth is but a late absurd Impostur, though cried up by (b) Sir *Edw. Cook* (who over doted on it) for a most ancient Record, beyond all exceptions, relying upon it as an undoubted Oracle. Others refer their original to the Parliamentarie Council held at *Salisbury*, in the sixteenth year of King *Henry* the 1. to which opinion *Polydor Virgil*, *Holingshed*, *Speed*, in their Histories, *Anno* 1216. Justice *Doddridg*, Mr. *Cambden*, Mr. *Agar*, and Joseph *Holland*, in their Treatises of the (c) *Antiquity of the Parliaments of* England. (d) Sir *Walter Raleigh*, (e) and others

(a) Mr. William Lambard his Archaion. p. 241, to 273. Mr. Nathaniel Bacon.

(b) 4 Inst. p. 12. 349. 1 Instit. p. 110. 2 Inst. p. 7, 8.

(c) Page 18, 19, 20, 40, 85, 87.

(d) The Prerogative of the Parliament of England. p. 2, 3.

(e) The Freeholders Grand Inquest. p. 12, 13.

others incline, as moſt probable; Which I have at large refuted in *My Plea for the Lords*, p. 165. to 183. by unanſwerable evidences. Sir (f) *Rob. Cotton*, and (g) *Mr. Selden*, two of our learnedeſt moſt judicious Antiquaries, do rather incline, that the writs for *electing Knights, Citizens and Burgeſſes, began but about the later end of King* Henry the 3. *and that the firſt Writ of this kinde now extant*, is that in *Cl.* 49 H. 3. before which time, I conceive, it can hardly be made good by Hiſtorie or Records, that anie *Knights, Citizens, Burgeſſes or Commons elected by the people, or others*, were called to our Great Councils or Parliaments, as Members of them. That which induceth me to adhere to this opinion, are not onely the *Hiſtories* and *Records* I have (b) *elſwhere* cited during the reigns of King *Henry* the 1. King *Stephen*, *Henry* the 2. *Richard* 1. King *John*, and *Henry* the 3. of all the Parliamentarie Councils held under them before this year; which make no mention of anie ſuch *Knights, Citizens, Burgeſſes*, or *Commons* ſummoned to, or preſent in them, as Members; but only of the *Archbiſhops, Biſhops, Abbots, Priors, Earls, Nobles*, and *Great men* of the Realm; but theſe memorable Writs entred in the Clauſe Roll of 48 H. 3. which aſſure us, that there was a Parliamentarie Council ſummoned & held this year, by the *King*, his Prelates, Lords, Nobles, & Barons, and a Tenth granted him by the Prelates & Lords, ordained how to be levied & expended for the common benefit of the Realm & Church of *England*, by their unanimous Counſil and advice; without the leaſt mention at all of anie Knights, Citizens, Burgeſſes or Commons called to, or acting in it in anie kinde.

(f) Poſthuma, p. 346, 347, 348.

(h) Titles of Honor, p. 712, 713, 717.

(h) Plea for the Lords, p. 30, to 35. 57, to 128. 203, to 262. The Supplement to it, p. 401. to 417. And Epiſtle before the 1. Part of The Regiſter, &c.

Clauſ. 48 *H.* 3. m. 5. dorſo. Rex *Johanni de Balliolo* ſalutem. Cum jam ſedata turbatione nuper habita in Regno noſtro, Pax inter Nos et Barones noſtros, divina cooperante gratia ordinata ſit ac firmata; Et quædam ardua negocia Nos et Regnum noſtrum tangentia Vobiſcum communicanda habeamus, quæ ſine præſentia

cis vestra & aliorum fidelium nostrorum nequeunt expediri. Vobis de Consilio Baronum nostrorum, mandamus in fide et homagio quibus Nobis tenemini firmiter injungentes, quatinus statim visis literis istis omnibus aliis prætermissis sitis ad Nos London, sine armis, cum summa festinatione veniatis, super prædictis consilium vestrum impensuri. Et hoc sicut nos honorem nostrum, necnon et tranquillitatem Regni nostri diligitis, nullatenus omittatis. T. Rege apud Sanctum *Paulum London* 4. die *Junii*.

Eodem modo mandatum est *Rogero de Clifford, Rogero de Leyburn, Hamoni Lestraung, Roberto de Nevill, Ade de Gesmuch.*

These parties were * all Lords and Barons of the Realm (not Commoners) & summoned by particular Writs by name, not elected by the people; and the *Aliorum fidelium nostrorum*, were the rest of the Prelates, Barons and Nobles, as these ensuing Writs resolve us.

* See Mat. Paris, p. 961. and the Catalogue of *Barons* in the *London* Edition of him, 1640. after the Table.

Claus. 48 H. 3. m. 3. dorso. Rex *M.* Episcopo *Norwicen.* salutem. Cum per Prælatos et Magnates Regni nostri provisum sit, et unanimiter concessum, quod Decimæ proventuum omnium beneficiorum Ecclesiasticorum in regno nostro conferantur, ad communem utilitatem ejusdem Regni et Ecclesiæ Anglicanæ, et quod hujusmodi Decimæ per locorum Episcopos leventur, et ad Nos mittantur. Vobis mandamus, quod hujusmodi Decimas, quas juxta provisionem prædictam in vestra Dioc. de beneficiis Ecclesiasticis levari fecistis ad Nos sine dilatione mittatis, convertendas in communem utilitatem Regni nostri et Ecclesiæ prædictæ. Et hoc nullatenus omittatis. Scitote, quod nisi hoc ad mandatum nostrum facere volueritis, De Consilio Magnatum qui sunt de Consilio nostro mandamus Vic. nostro *Norff.* & *Suff.* ad dictam Decimam, ob defectum vestri, quod vellemus levari, et ad Nos mitti fac. indilate. T. Rege apud *Camer.* primo die Septembr.

Rex

Rex Vic. *Norff. & Suff.* ſalutem. Cum per Prælatos et Magnates regni noſtri Provisum ſit, et unanimiter Conceſſum, *quod Decimæ proventuum, &c.* (as in the former Writ) *& ad Nos mittantur; Et jam mandaverimus M.* Norwich *Epiſcopo, quod hujuſmodi Decimas, quas juxta proviſionem prædictam de beneficiis Eccleſiaſticis in Dioc. ſua levari fecit, et ad Nos ſine dilatione mittat, convertendas* in communem utilitatem regni noſtri, et Eccleſiæ prædictæ, et hoc nullatenus omittat. Nos indempnitati Eccleſiaſticæ libertatis quatinus fieri poterit providere volentes, tibi De Conſilio Magnatum qui ſunt de Conſilio noſtro præcipimus injungentes, quod in propria perſona tua accedas ad prædictū Epiſcopum, et ipſum ex parte noſtrâ diligenter moneas et inducas, ut negotium iſtud juxta mandatum noſtrum expleat cum effectu. Et ſi ipſe propter hujuſmodi monitionem hoc facere neglexerit, tu ex tunc per negligentiam ipſius prædictam Decimam de hujuſmodi beneficiis Eccleſiaſticis levari, et ad Nos mitti fac. indilate. T. ut ſupra.

Cl.48 H.3.d.3. Rex G. *Ebor.* Archiepiſcopo *Angliæ* Primati ſalutem. *Cum Nos, una cum* Regni noſtri Prælatis et Proceribus *ſuper alienigenarum Inimicorum noſtrorum adventu nuper præmuniti,* de Conſilio eorundem Prælatorum et Procerum *provida deliberatione duxerimus ſtatuendum, ut ab hujus defenſionis auxilio nullus excuſatur ſexus aut ordo, nullius perſonæ laboribus, nullis rerum parcatur impendiis; illa tamen devotio debita quam ad ſanctam Eccleſiam Catholicam gerimus nos induxit, ut virorum Eccleſiaſticorum in hac parte ſubſidium* de Prælatorum ordinaretur aſſenſu; qui ut ſuæ et Clericorum ſuorum tranquilitati proſpicerent et bellorum clades perſonaliter evitarent, Decimam omnium Eccleſiaſticorum proventuum in ſuis Diocæſibus non ſolum nobis, ſed ad utilitatem rei publicæ Regni et Eccleſiæ *Anglicanæ* Conceſſerunt. Quia verò non tantùm Eccleſiaſticis Eccleſiæ *Eborum.* Suffraganeis et eorum Clericis, ſed et ipſi *Ebor.* Eccleſiæ veſtræ ejuſque Clericis et toti Clero regni noſtri proſpicietur in hac parte.

parte. Vobis mandamus firmiter injungendo, quod Decimam omnium Ecclesiasticorum proventuum in Dioc. *Ebor.* existentium, nullo ab hac præstatione exempto, per vos vel ministros vestros citra festum Sancti *Michaelis* levari, et ad Nos mitti faciatis. In hoc enim non modicum, Ecclesiasticæ libertati deferimus, quod non per Ballivos nostros in tam ardua necessitate, set per vestros Ecclesiasticos hujusmodi subsidia ad opus reipublicæ Regni et Ecclesiæ *Anglicanæ* colligi demandemus. Et scIatis, quod nisi hoc mandatum nostrum cum summa celeritate fueritis executi, quantumcunque libertates Ecclesiæ tueri totis viribus nostris intendimus, omittere non possumus nec debemus, quin pro securitate regni nostri ejusque defensione et communi utilitate, dictam Deciniam per Ballivos nostros levari faciamus. T. Rege apud *Cantuar.* 3. die Septembris.

* Rex Vic. *Linc.* salutem. Quia *Magister Ordinis de Semplingham* satisfecit Nobis de SUBSIDIO nobis præstando ad defensionē Regni nostri contra hostiū adventum alienigenarū in regnū prædictū. Tibi præcipimus quod districtionem quam fac. in tervis et tenementis ipsius Magistri in balliva tua occasione prædicta penitus relaxes, donec aliud inde tibi præceperimus. T. Rege apud *Cantuar.* 28 die *Octobr.* * Clauſ. 48 H. 3. d. 2.

Had the Commons, Knights, Citizens and Burgesses been present in, or parties to the Ayds, or Ordinances, mentiond in these writs of 48 H. 3. it is very probable we should have found som foottie s or hints of it in them; but their silence herin, & frequent mention only of the *Prelates, Lords and Barons*, concludes, they were not summoned to this Parliamentary Council.

If any Object, That the *Knights and others who held of the King by Knight service*, were summoned to appear with their horses, arms and service in the Kings presence at *Oxford*, as well as the *Archbishops, Bishops, Abbots Priors, Earls and Barons*, and that to assist him in his present necessity *as well with their* COUNSEL as ARMS: *Objection.*

Therefore

[illegible] is probable they were summoned to this Parliamentarie Council, as well as the Spiritual and Temporal *Lords*, as these Writs import.

Claus 48. *H.* 3. *M.* 6. *Dorso.* Rex *Reginaldo* filio *Petri*, Vic. *Suthamps.* salutem. Cum nuper propter salvationem Regni nostri, ac etiam propter guerram in eodem Regno jam subortum, summoneri fecissemus Archiepiscopos, Episcopos, Abbates, Priores, Comites, Barones, Milites & alios qui servicium Nobis debent, ut essent ad Nos apud *Oxon.* ad mediam Quadriges. prox. præteritam, cum equis & armis, & toto servicio suo Nobis debito, in hujusmodi necessitatis articulo **Consilium & auxilium efficax super præmissis impensuri**: ac quidam ex eis servicium suum Nobis debitum ad mandatum nostrum facere noluerint; propter quod **De Baronum consilio & Magnatum Nobiscum existentium provisum est**, quod Baroniæ, terræ & tenementa eorum qui de Nobis tenent in capite, & qui Nobis serviciũ suum Nobis debitum juxta mandatum nostrum facere noluerunt, capiantur in manum nostram, donec tam de dicto servicio quam de hujusmodi Transgressione nobis satisfecerint. Vobis mandamus firmiter injungentes, quod *Baronias* Ven. Patris S *Winton* Episcopi, & Abbatis de *Abindon*, qui servicium suum Nobis debitum ad mandatum nostrum facere noluerunt, capias in manum nostram; & catalla sua cum bonis & catallis in ipsis inventis, sine distractione seu dilapidatione aliqua inde facienda salvo custodiri facias; Ita quod de bonis & catallis ipsis, vel de precio eorundem, & de exitibus *Baroniarum* prædictarum Nobis sufficienter respondeas donec aliud inde præceperimus. T. Rege, apud *Oxon.* 3 die Aprilis.

Eodem modo mandatum est *Ade* de *Grennuill*, Vic. *Norht.* quod capiat in manum Rs. *Baronias* Episcopi *Elien* & Abbatis de *Ramisey*.

Eodem modo mand. est. Vic. *Notingh.* & *Derb.* quod capiat in manum Rs. *Baronias* Archepiscop. *Ebor.* & Episcopi *Line.*

Which

Which Writs were accordingly executed by some of these Sheriffs, even beyond the Kings instructions, as is evident by this Writ to the Sheriff of *Yorkshire*, upon the Archbishop of *Yorks* complaint.

Cl. 48. H. 3. m. 6. dorso, Rex *Roberto de Nevill*, Vic. *Ebor.* salutem, Cum *Baroniam* quorundam Prælatorum regni nostri, unper, caperimus, in manum nostram eo quod servicia sua nobis debita, nobis minimè fecerunt ad mandatum nostrum; ac vobis mandaverimus, quod *Baroniam* Ven. Patris *G. Ebor.* Archiepiscopi caperetis in manum nostram, pro eo quod servicium suum Nobis tempore competenti non exhibuit, & quod eam salvo, & absque destructione aliqua bonorum ejusdem Baroniæ custodiri faceretis; vos, ut accepimus, bonorum illorum dissipationem non modicam fieri permittitis ad gravissimum dampnum Archiepiscopi sic prædicti, super quo, nec immerito, movemur. Verum quia demandam nostram servicii dicti Archiepiscopi jam in suspenso posuimus ad tempus, vobis mandamus, quatenus Baroniam suam cum omnibus inde perceptis à tempore captionis ejusdem in manum nostram sine dilatione restituatis eidem. Quia etiam datum est Nobis intelligi, quod Milites & servientes Archiepiscopi prædicti versus Nos nuper venientes cum equis & armativis ad faciend. Nobis servicium prædictum per viam arestaviftis, & quosdam ex eis adhuc in carcere detenetis, & à quibusdam eorum graves redemptiones cepistis, quod grave gerimus & indignemus; Vobis firmiter injungimus, quatinus dictos incarceratos sine mora deliberetis, & tam eis quam aliis, à quibus redemptiones cepistis, omnia per vos aut vestros sibi ablata plenarie restitui faciatis. Ne super hoc oporteat Nos gravius sollicitari propter quod ad vos graviter capere debeamus. T. Rege apud *Sutton* 26 die Maii.

I answer, 1. That these were Writs of Summons not to a Parliament, but Camp, *cum equis & armis*, &c. as the Writs recite. 2. That the *Counsil* mentioned in it was onely *Military*, not *Parliamentary*, as the *aid* *Answ.*

and assistance with Horses, Arms, and military services, coupled with it, resolve; and the recital in the Writs, *ac etiam propter guerram in eodem regno jam subortam, &c.* 3. It is most apparent, by the ensuing Clause: *Propter quod de Baronum consilio & Magnatum Nobiscum existentium provisum est, &c.* that the Baronies of these Bishops and others, who refused to do their services should be seised into the Kings hands: That the *Barons* and *great men* onely who were then present with the King at *Oxford*; did counsel and advise him, as Members of his Military, and Parliamentary Council, not the Knights and others of inferiour condition, holding of him by Knight service, who then assisted him onely with their Horses, Arms, and military services 4. These Knights and others then summoned to *Oxford*, were no Knights, Citizens or Burgesses elected by the People and Kings Writs to serve in any Parliament then held at *Oxford*; but onely such who held Lands of the King by Knight service, which they were then summoned actually to perform, as his Tenants, for his defence in the Wars against foreign and domestick Enemies; as the Writs resolve. 5. The Writs of Summons to the Parliamentary Council held this year, mentioned in the forecited *Writs*, were different in form, *date*, * *time*, place, from the objected Writs; and in the manner of appearing: The one summoning them to appear at *Oxford, cum equis & armis, &c.* the other to appear at *London* sine armis, *consilium vestrum impensuri, &c.* Therefore there being no mention of any Knights and others of inferiour condition summoned together with the Barons and Nobles to appear at *London* in the Parliamentary Council there held, as there is in the other Writs of Summons to the Kings Camp and Armie. It is a most clear convincing argument, that in 48 *H.* 3. there were no Knights, Citizens, or Burgesses summoned to the Parliament, but onely the Spiritual and Temporal Lords and Barons.

* The one 3. Aprilis, the other 4. Iunii, & 1 Septemb. following after the Wars ended and Army dissolved, which preceeded this Parliament.

Now because I meet with some other memorable Writs

Writs, which may seem in some mens judgment to prove that there were Knights, Citizens, Burgesses and Commons summoned to Parliaments or Councils before 49 *H.* 3. I shall present you with them in order, with my Answers to and Observations on them.

The first and ancientest of them is this notable Writ of *Proclamation*, much insisted on, and imperfectly cited by Mr. *William Lambard*, (an eminent Antiquarie of *Lincolns* Inne) in his *Archaion*, p. 261, 262, 263. which I have faithfully transcribed out of the *Patent Roll* it self. *Pat.* 6 *Johan*, Rs. m. 2, dorso, as a raritie not formerly printed.

Rex, &c. Vic. *Roteland*, &c. Scias, quod provisum est Communi assensu Archiepiscoporum, Episcoporum, Comitum, Baronum, & omnium fidelium nostrorum Angliæ, quod novem Milites per totam *Angliam* invenient decimum Militem benè paratum equis & armis, ad defensionem Regni nostri; & quod illi novem Milites inveniant decimo Militi qualibet die ij. Sol. ad liberationem suam. Et ideo tibi præcipimus, quod sicut teipsum & omnia tua diligis, provideas, quod decem Milites de Balliva tua sint apud *London* à die Pasche in tres septimanas, bene parati equis & armis, cum liberationibus suis, sicut prædictum est, parati ire in servicium nostrum quo præceperimus, & existere in servicio nostro ad defensionem Regni nostri quantum opus fuerit. Provisum est etiam, quod si Alienigenæ in terram nostram venerint, omnes unanimiter eis occurrant cum fortia & armis sine aliqua occasione & dilatione, auditis rumoribus de eorum adventu. Et si quis Miles, vel serviens, vel alius terram tenens * conventus fuerit, qui se inde retraxerit, dummodo tanta non fuerit gravatus infirmitate quod illuc venire non possit, Ipse & hæredes sui imperpetuum exheredantur, dabuntur, & feodum suum remanebit Domino * fundi, ad faciend. inde voluntatem suam; ita quod exhæredatus vel hæredes sui nunquam inde aliquam habeant recuperationem. Si quis vero, Milites servientes vel alii

* Pat. 6. Johan. Regis m. 2. dorso.

* Convictus.

* Feodi.

qui terram non habent, inventi fuerint qui ſe ſimiliter retraxerint, ipſi & hæredes ſui Servi fient imperpetuum, reddendo ſingulis annis iiij. d. de capitibus ſuis; nec pro paupertate omittant ad prædictum negotium venire, cum illud audierint; quare ex quo ad exercitum venerint, providebitur unde ſufficienter in ſervicio noſtro poterant ſuſtentare. Si vero Vic. vel Ball. vel Præpoſitus illos qui ſe retraxerint Nobis per breve, vel per ſcriptum, vel viva voce non oſtenderint; dict. Vic. vel Ballivus, vel Præpoſitus remanebit in miſericordia noſtra de vita & membris. Et ideo tibi præcipimus, quod ſub feſtinatione Proclamari facias in foris per totam Ballivam tuam, & in Mercatis & Nundinis, & alibi, & ita te de negotio illo faciendo intromittas, quod ad te, pro defectu tui, capere non debeamus. Et tu ipſe ſis apud *London* ad præfatum terminum, vel aliquem diſcretum ex parte tua mittas, & facias tunc Nobis ſciret nomina decimorum Militum. Et habeas ibi hoc Breve. Teſte meipſo apud *Wint.* 3 die Aprilis.

Sed Nota; Vic. *Eborum*, *Northumberland*, *Cumberland*, *Weſtmerland*, ſcribitur in eadem forma, hoc adjecto, Quod *Rob.* fil. *Reg.* & Conſt. *Ceſtr.* retineat de Militibus prædictis quos judicat expedire neceſſario ad defenſionem partium ſuarum.

Hæc Brevia liberata ſunt ſubſcriptis.

Eborum, *Northumbr.*, *Weſtmerl.*, *Cumberl.* } per *Ric. Anglicum*, Clericum *Rob.* fil. *Reg.*

Bucks. & *Bedf.*, *Norf.* & *Suff.*, *Eſſex* & *Hertf.*, *Cantebr.* & *Hunt.*, *Oxon.*, *Berks.*, *Northt.* } per *Spaine.*

Glouc., *Honor. de Glouc.*, *Worceſter.*, *Hereford.*, *Leic.* & *Warwic.*, *Salop.* & *Staff.*, *Lancaſtr.* } *Rad. de Chumbras.*

Wilts.

Wiltes		*Linc.*	
Somerset & Dorset	*per Laurentium.*	*Roteland*	*per Reg: Bastard hominē Senescalli.*
Devon.		*Not. & Derb.*	
Cornub.			
Sutht.			

Kent	
Surr.	*per Thom fil. Nigell. Clericum Willielmi de Wroth.*
Middf.	
Suffex.	

From the Prologue of this Proclamation: *Provisum est communi assensu Archiepiscoporum, Episcoporum, Comitum, Baronum, et* **omnium fidelium nostrorum Angliæ**: Mr. *Lambard* inferre, that the **Commonaltie of the Realm**, *both at this time, and long before, were summoned to our Great Councils and Parliaments, and present in, assenting to whatever was ordained in them, as well as the Spiritual and Temporal Lords*; this being in truth the probablest evidence and Authority he produceth to prove this assertion. [a] Archaion, p. 261, 262, 263,

But under his correction, I aver First, neither this rectal, nor any other testimonie alleged by him, doth clearly evidence, that these *omnes fideles nostri Angliæ* were Knights, Citizens & Burgesses, or *Commons of the Realm* chosen by the people by virtue of the Kings writs, and sent by them to Parliaments and Great Councils in that or former ages, as *Knights, Citizens* and *Burgesses* have been of later times, no Histories, nor Records making express mention of any such Writs or Elections of such Knights, Citizens, Burgesses of Parliament, before 49 H. 3.

2ly. The Writ of Summons extant in the [b] *Clause Roll* of 6. *Johan. Regis*, dorf. 3. this very year, to the *Parliamentary Council* at *London*, (wherein this provision *for defence of the kingdom against forein Enemies*, was made as I conjecture,) makes mention only of **Magnatum terræ nostræ**, *Quos ad diem illum et locum fecimus convocari*: [b] See here, p. 2, 3.

ri: not of any Commons, Knights of Shires, Citizens or Burgesses summoned to it.

3ly. [c] *Matthew Paris*, and [d] *Mat. Westminster*, who inform us of another *Parliamentary Council* held under King *John* at *Oxford* this very year, expres it thus. *Deinde in crastino Circumcisionis convenerunt ad* **Colloquium** (the word *Parliamentum* not being then in use) *apud Oxon.* **Rex et Magnates Angliæ**: *ubi concessa sunt Regi auxilia militaria, de quolibet Scuto duæ marcæ et dimidia. Nec etiam* **Episcopi et Abbates**, *sive Ecclesiæ personæ, sine promissione recesserunt*; without mentioning any *Knights, Citizens, Commons or Burgesses* present at this Council, or parties to this grant. Wherefore, if the *Ordinance* mentioned in this Writ, was made at *Oxford*, these *Omnium fidelium nostrorum Angliæ* (as I conceive) cannot properly be meant of them, but of the *Abbots, Priors,* *Kings Counsel*, or those **Omnes alios qui de Capite tenent de Nobis**, who were not **Majores Barones Regni**, mentioned in the [e] *Great Charter of King John*, some few years after, in this memorable Clause which best explains this in the Proclamation: *Ad habendum* **Commune Consilium Regni** *de auxiliis assidendis, summoneri faciemus Archiepiscopos, Episcopos, Abbates, Comites &* **Majores Barones** *sigillatim per literas nostras: Et præterea faciemus in* **Generali** *per Vicecomites & Ballivos nostros,* **omnes alios qui de Capite tenent de Nobis** *ad certum diem, scilicet ad terminum Quadraginta dierum ad minimum, et ad certum locum; in omnibus literis summonitionis illius* **Causam summonitionis illius exponemus**: which was accordingly expressed in the writ of Summons 6 *Johannis*, and in all writs of like nature since this *Great Charter*, extant in our Records.

4ly. The very contents of the *Provision* mentioned in this Proclamation; *Quod novem Milites* (to wit, those who held Lands by a Knights fee, and Knight-service) *per totam Angliam invenient decimum Militem bene paratum equis et armis, &c.* compared with

Claus.

c Hist. Angl. p. 201.
d Flores Hist. pars 2. Ann. 1204. p. 80. Seldens Titles of Honor p. 707.

* 7 E. 1. Stat. of Mortmain. See part 1. p. 383.
e Mat. Paris, 247.

Clause 19 H. 3. m. 1, 3, 6, 8. Prove these lesser Barons and Tenants of the King to be the persons intended in this Clause (not any elected Knights, Citizens and Burgesses,) who were either summoned in general to this *Council*, and consented to this provision therein when passed; or else assented thereto after the Lords and Great men had passed and communicated it to them in the Countrie.

5ly. Though this Provision and Proclamation doe not clearly prove the Summons of any elected Knights, Citizens and Burgesses to this Parliamentary Council; yet they are a clear evidence; That Ordinances for raising Men, Forces, Taxes, and Impositions for the necessarie defence of the King and Realm against forein Enemies, with forfeitures of Lands, & other severe penalties for defaults therein, cannot, nor may not be made nor imposed on the Freeholders or Subjects of *England*, by the King or his Counsil, but onely by the common consent, grant and provision of the *Spiritual and Temporal Lords*, Great men, and other Lieges of the King, assembled in a Parliamentary Council; since the Provisions and penalties mentioned in this Proclamation were all made by their common consent, and that upon this occasion.

King *John* in the year 1203. passing out of *England* into *Normandy* with a great Army, giving himself over to luxurie, sleep and carelesness, suffered the King of *France* to take many Towns and Castles from him, without the least resistance. Being frequently informed thereof by complaints from all parts, he gave no other answer but this to the Complainants; *Suffer him to do what he pleaseth, I will one day recover whatever he now violently surpriseth.* Hereupon *Comites et Barones, et alii de regno Angliæ Nobiles,, qui ei eatenus fideliter adhæserant talia audientes, ejusque desidiam incorrigibilem intelligentes, impetrata licentia quasi illico reversuri, remearunt ad propria*; returning no more, but leaving the King in *Normandie* with very few Soldiers; Upon which he returning into

[f] Mat. Paris, Hist. Angliæ, p. 200, 201, 202.

to *England*, the King of *France* came before moſt of King *Johns* Caſtles and Towns there, and perſwaded them to ſubmit themſelves to him as their *Chief Lord*, ſeeing King *John* their immediate Lord had quite deſerted them: who accordingly ſubmitted. King *Iohn* upon this occaſion raiſing a puiſſant Army, intended to croſs the Sea with them to regain his loſt Townes and Caſtles from the *French*; Whereupon by the common aſſent of his Spiritual and Temporal Lords and Lieges aſſembled in a Parliamentary Council, he made the precedent proviſions & Proclamation for the Defence of the Realm of *England* in caſe the *French* or any forein Enemies ſhould invade it during his abſence: After which *Anno* 1205. he took ſhip at *Portſmouth* againſt the prohibition of the Archbiſhop of *Canterbury*, and many other of his Nobles, who refuſing to follow him, he was inforced to return after he had continued at Sea two dayes. *Reverſus autem Rex cœpit de Comitibus, Baronibus, Militibus, et viris religioſis, pecuniam infinitam, occaſiones prætendens, quod noluerunt eum ſequi in partes tranſmarinas, ut hæreditatem amiſſam recuperet.* And ſo much touching the contents, occaſion, iſſue of theſe Proviſions and Proclamation.

The 2. Writ is that of Rot. Clauſ. Anno 15. *Johannis Regis*, pars 2. m. 7. dorſo, which I have examined by the Record.

Rex Vicecomiti Oxon. *ſalutem. Præcipimus tibi quod omnes* Milites, *Ballivæ tuæ qui ſummoniti fuerunt eſſe apud* Oxoniam *ad Nos à die Omnium Sanctorum in quindecim dies, venire facias cum armis ſuis: corpora vero* **Baronum** *ſine *armis ſingulariter, et IV.* **Diſcretos Milites** *de Comitatu tuo, illuc venire facias ad Nos ad eundem terminum,* **ad loquendum Nobiſcum de Negotiis regni noſtri.** *Teſte meipſo apud* Witten. 11 die *Novembr.*

* See here, p. 415.

Eodem modo ſcribitur omnibus Vicecomitibus.

This unuſual form of Writ, (the later part whereof ſounds like a kinde of Summons of Knights out of every County to a Parliament at *Oxford*) hath much perplexed

plexed many *learned men, who knew not well what to determin thereof, being without parallel. But under correction of others, I conceive it rather a Summons to a *Military Camp* of *War*, than to a *Parliament* or *Parliamentary Council* at *Oxford*; and these *Quatuor discretos Milites* out of every County, were not summoned as *Knights of the Shire* to a Parliament then held, but rather as *Inquisitors* or *Grand-Jury-men*, upon a special occasion; thus related by [b] *Matthew Paris*, which in my apprehension will very satisfactorily explain this obscure Writ. *King Iohn* being both injuriously excommunicated, deposed from his Throne, his whole kingdom, interdicted & given by the *Pope* to the French King who thereupon prepared a great *Army* and *Navy* to possess himself thereof; he did upon this occasion, to resist the French, and defend his Crown and kingdom against their intended invasion, by two *several Writs*, (recorded at large in this Historian) summon all the Ships of *England* able to carry six horses to meet together at *Portsmouth*, well furnished with victuals and Mariners to resist these Enemies by Sea; and all Earls, Barons, Knights, Freehold Tenants and others who were bound by tenure, or able of bodie to bear arms, to meet him at *Dover*, to withstand them by Land. After which, having reconciled himself to the *Pope* by resigning his Kingdom of *England* and *Ireland* to, and retaking them from him under an *yearly Tribute*, he was by the Popes Legate absolved from his Excommunication, and the kingdom from its long-continued interdict, at *Winchester*; swearing upon the Holy Evangelists in this his Absolution; *Quod Sanctam Ecclesiam, ejusque ordinatos diligeret, defenderet, et manuteneret contra omnes adversarios pro posse suo. Quodque bonas leges Antecessorum suorum, & præcipue Leges* Edwardi *Regis revocaret, et iniquas destrueret, et omnes homines suos secundum justa Curiæ suæ judicia; judicaret, quodque singulis redderet jura sua. Juravit etiam, quod omnibus ad Interdicti negotium pertingentibus, inter proximum Pascha plenariam*

* See Mr. Selden Titles of Honor, p. 710, My Plea for the Lords, p. 374.

b Hist. Anglic p. 224, 229, 230, 231, &c.

nariam reſtitutionem faceret obtatorum, &c. In purſuance whereof, *In craſtino miſit Rex literas ad omnes Vicecomites regni Angliæ, ut de ſingulis Dominicorum ſuorum villis:* **Quatuor legales homines** cum præpoſito, apud Sanctum Albanum, pridie nonas Auguſti fecerent convenire, ut **per illos**, et alios miniſtros ſuos de damnis ſingulorum Epiſcoporum, ut ablatis certitudinem inquireret, et quid ſingulis deberetur. Dum hæc agerentur, interfuerunt **Concilio** apud Sanctum Albanum, Galfridus filius Petri, et Epiſcopus Winton. cum Archiepiſcopo, et *Epiſcopis* et *Magnatibus Regni*. Ubi cunctis pace Regis denunciata, ex ejuſdem Regis parte firmiter præceptum eſt; quatenus leges Henrici avi ſui ab omnibus in regno ſuo cuſtodirentur, et omnes leges iniquæ penitus enerventur. Denunciatum eſt præterea Vicecomitibus, Foreſtariis, aliiſque Miniſtris Regis, ſicut vitam et membra ſua diligunt, ne à quoquam aliquid violenter extorquerent, vel alicui injuriam irrogare præſumant, aut *ſcotalla* alicubi *in regno faciant, ſicut facere conſueverant*. After which, Rex verò Johannis cum ſe à quibuſdam *Magnatibus* (who deſerted him in *Poytiers*) *quaſi derelictum cognoviſſet*, **magnum Congregavit Exercitum** ut rebelles ad conſuetum obſequium revocaret. Cumque arma movere incepiſſet, venit ad eum Archiepiſcopus apud Northamtonam, dicens, plurimum in injuriam ſui Sacramenti, quod in abſolutione ſua præſtiterat, redundare, **Si abſque Judicio Curiæ ſuæ contra quempiam bella moveret.** Quod audiens Rex, cum ingenti ſtrepitu dixit, Se regni negocia propter Epiſcopum non differre, cum laica judicia ad ipſum non pertineant. In craſtino autem ſummo diluculo iter furibundus arripiens verſus *Notingham* properavit. Secutus eſt quoque Regem Archiepiſcopus memoratus, conſtanter affirmans, quod niſi ab inceptis celerius deſiſterit, omnesqui verſus quempiam ante relaxationem interdicti hoſtiliter arma geſſerunt, præter ipſum ſolum, anathematis vinculo innodaret. Sicque ab inceptis Regem revocans

vocans Archiepiſcopus, non prius abe. receſſit donec Diem competentem ad Curiam Regis veniendi, et ibidem Juri parendi Baronibus impetraſſet. The 8. of *September* following, the Archbiſhop, Biſhops, Abbots, Priors and Barons of the Realm aſſembling together at *Pauls*, the Archbiſhop calling ſome of the Barons to him apart from the reſt, ſecretly acquainted them with the Kings forecited Oath taken at his abſolution, and produced before them the Charter of Liberties granted by King *Henry* the firſt; by which they might, if they would, reduce their long-loſt Liberties to their priſtine eſtate: At which the Barons greatly rejoycing, *juraverunt omnes in præſentia Archiepiſcopi, quod viſo tempore congruo, pro biis libertatibus, ſi neceſſe fuerit, decertabunt uſque ad mortem. Archiepiſcopus autem promiſit eis fidaliſſimum auxilium ſuum pro poſſe ſuo; Et ſic confœderatione facta inter eos, Colloquium ſolutum eſt.* The King hereupon (as I conjecture) iſſued out the precedent writ the 3. of *November* following, (whereon it bears date) to all the Sheriffs of *England*, conſiſting of 3. diſtinct parts, ſutable to that time and occaſion. The firſt is, to new ſummon *Omnes Milites*, all who held of him by Knight-ſervice, with thoſe Souldiers (not knights, or knights of Shires,) in their reſpective Bailiwicks, they had formerly ſummoned (by ſome ſuch writ as this) to repair to *Oxford*, to come to the Kings perſon (*ad Nos*) without naming any certain place, 15 daies after All Souls day; *cum armis*; with their arms; (the * *uſual form and clauſe in precedent and ſubſequent writs of Summons of an Army and forces to aid the King*, not to a Parliament, or Great Council of State) and that to defend and aſſiſt him; againſt the precedent confederacy of the Archbiſhop, Biſhops, Abbots, Priors and Barons, then newly entred into at *London*; againſt whom he had raiſed a great Army (by like Writs) but a few Moneths before, to reduce theſe Rebels to obedience: which Armie the Archbiſhop cauſed him to diſſolve, as *Matthew Paris* relates. The 2. Clauſe is, *Corpora ve-*

* See here, p. 4, 5. & Part 1. p. 156. to 180.

to *Baronum ſingulariter ſine armis*; to ſummon and bring to the King the Bodies of the Barons in their reſpective Counties apart one from another, *without arms*, (as in the ſaid writ) not two or more of them together, with their arms and armed attendants, to prevent all dangers, tumults, inſurrections and intended rebellions, if they ſhould come armed to his Court; being now thus ſummoned to appear before him, not to treat and adviſe with him, and the reſt of the Prelates, Earls and Nobles, of any urgent affairs concerning the *King* or Realm, (of which there is no mention at all in this writ in relation to the Barons, as there is in all Writs of Summons to Parliaments or Great Councils iſſued to them, extant in our Records;) But rather, according to the Archbiſhops engagement to the *King* at *Nottingham* a little before this writ, *to ſubmit themſelves to the Juſtice of his Court and a legal trial concerning the crimes he ſhould there object againſt them*, upon their appearance on the day prefixed in the writ, the ſame I conceive, the King and Archbiſhop had formerly agreed upon at *Nottingham*. And that this was the reaſon why they were to appear without armour, is evident; by the like Summons heretofore to [1] *Earl Godwin and his Sons to appear in the Kings Court, to anſwer the Kings charge againſt them, attended only with their men, without any force or arms*: by the ſubſequent Statutes of 7 E. 1. *Raſtal, Armour*; 1 & 2 E. 3. c. 3. expreſly reſolving, *that in all Aſſemblies which ſhould be made within the Realm of England for ever, every man ſhould come without all force and armour, well and peaceably*: *And that no man, Great or Small, of whatſoever condition he be, except the Kings Servants in his preſence, and his Miniſters and their Aſſiſtants in executing his precepts, or their Office*; or *upon a cry made for arms to keep the peace, in ſuch places where ſuch acts happen, ſhould be ſo hardy to come before the King or his Juſtices, or other his Miniſters doing their office with force and arms, nor bring no force in affray of Peace.* Which was but the *antient Common and Statute Law of *England*. The 3. Clauſe

[1] See Malmsbury de Geſtis Regum, l. 2. c. 13. Hoveden, Wigornienſis, & Bromton, Anno 1051. & My Plea for the Lords, p. 208.

* See here, p. 5. Aluredi Regis Lex 41, 42. Chron. Johan. Bromton, col. 815.

Clauſe of the Writ, which only hath ſome reſemblance of a writ of Summons; is to ſummon not two, but quatuor Diſcretos Milites de Comitatu tuo; being more than we read ſummoned in ſucceeding Rolls out of every County. as Knights of Shires to our Parliament; and thoſe not to come to any Parliament or Great Council, at any certain place, of which there is no mention at all in this Writ, but *ad Nos*, to the King himſelf, at the time there ſpecified; and that only, *Ad loquendum Nobiſcum de negotiis regni noſtri*; not, *ad tractandum Nobiſcum, et cum Prælatis, Proceribus*, or *Magnatibus*, or *aliis*, or *cæteris fidelibus regni noſtri, de arduis et urgentiſſimis negotiis, Nos et ſtatum Regni noſtri contingentibus*; or, *ad faciendum et conſentiendum biis, quæ tunc & ibidem de Communi Conſilio regni noſtri, Deo propitio, contigerit ordinari*; the uſual Clauſes in all Writs of Summons of Barons, or Knights of Counties to Parliaments and Great Parliamentary Councils; Therefore certainly this Writ was no Summons of Knights of Shires to a Parliament or Great Council; the rather, becauſe there is no clauſe in it for electing theſe 4. knights; nor yet of any Citizens or Burgeſſes, as is uſual in the Writs for electing Knights of Counties, and becauſe no Writs of Summons ever preſcribed the Summons of Barons and Knights together like this: Upon all which conſiderations, I conceive, this *ad loquendum Nobiſcum de negotiis regni noſtri*, for which theſe 4. Knights were ſummoned; was the very ſame, or the like buſineſs for which *Matthew Paris* relates *the King* ſome few Moneths before, *ſent Letters to the Sheriffs of every County throughout England, to cauſe* Quatuor legales homines (the ſame with thoſe this Writ ſtiles, Quatuor Diſcretos Milites) *out of every of their Counties, to come to St.* Albanes *the* 8. *of* Auguſt *following, to inquire of and inform the King, what dammages and loſſes any of the Biſhops had ſuſtained by the King, and his Officers, during the Interdict and their baniſhments, and what was due to every one of them*; that ſo he might ſatisfie them

them according to his premiſed Oath; as *Chart. 16 Iohann. Regis* m. 9. n. 67. the next year after this, compared with *Pat. 15 Iohan. Regis* nu. 3. *De Interdicto relaxando*, &c. clearly intimate, if not reſolve. This I am fully perſwaded, was the true ſcope, nature and intention of this Writ; which hath puzled ſo many, and none elſe have hitherto fully or truly explained: which I humbly ſubmit to the Readers conſideration.

The 3. Writ I have found in our Records, touching the election of any Knights of Counties to a Parliamentary Council before 49 H. 3. is this of Clauſ. 38 H. 3. m. 7. & 12. *dorſo*, (not mentioned in any Treatiſes of our *Parliaments*, or Collection of Parliamentary Writs of Summons I have ſeen) tranſcribed with my own hand out of the Roll it ſelf, as worthy obſervation.

2 Forma directa Magnatibus & Vicom. Angliæ.

Rex Vic. Bed. et Berks ſalutem. Cum Comites & Barones, *& ceteri* Magnates *Regni noſtri Nobis ſiruiter promiſerunt, quod erunt* London *à die Paſche prox. futur. in tres Septimanas cum equis et armis, parati et benè muniti ad tendendum ſine ulla dilatione verſus* Porteſmouth, *ad transfretand. ad Nos in* Vaſconiam *contra Regem* Caſtell. *qui terram noſtram* Vaſconiæ *in manu forti in æſtate prox. futura hoſtiliter eſt ingreſſurus. Et tibi mandavimus, quod omnes illos de Balliva tua, qui tenent* 20 *librat. terræ de Nobis in Capite, vel de aliis qui ſunt infra ætatem, et in cuſtodia noſtra, ad idem diſtringas; Tibi diſtrictè præcipimus, quod præter omnes prædictos venire faciatis* **coram Conſilio noſtro**, *apud* Weſtmon: *in Quindena Paſchæ prox. futur.* **Duatuor Legales et Diſcretos Milites de Comitatibus prædictis, quos idem Comitatus ad hoc eligerint vice omnium et ſingulorum eorundem**; videlicet, **Duos de uno Comitatu, et duos de alio, ad prouidendum una cum Militibus aliorum Comitatuum, quos ad eundem diem vocari fecimus, quale Auxilium Nobis in tanta neceſſitate impendere voluerint.** *Et tu ipſe* Militibus *et aliis de Comitatu prædicto neceſſitatem noſtram*

noſtram, et tam urgens negotium noſtrum diligenter exponas, et ad competens auxilium Nobis ad præſens impendend. efficaciter inducas. Ita quod præfati Quatuor Milites *præfato* Comitiva noſtro *ad prædictum terminum Paſche reſpondere poſſint ſuper prædicto auxilio pro ſingulis Com. prædictorum. Firmiter etiam tibi præcipimus, quod omnia debita quæ Nobis aretro ſunt in Balliva tua et ſolvi debuerint ad Scaccarium noſtrum ante Paſch. jam inſtans, vel ſolvi debent ad Scacc. ejuſdem Paſche, habeas ad idem Scac. in quindena prædict. Paſche. Scientes, quod niſi prædicta debita tunc ibidem habueris, non ſolum corpus tuum arreſtari faciemus, ſed debita illa de terris et tenementis* (tuis) *levari faciemus ad dampnum tuum non modicum. Teſte* A. *Regina, et* C. *Com.* Cornub. *apud* Windeſore *xi. die Febr.*

Conſimilia Brevia diriguntur omnibus Vicecomitibus Angliæ.

These Writs, though at first view they look like Writs for electing Knights of Shires to a Parliamentary Council, yet in truth they are no such Writs, but onely command the Sheriffs to cause two Knights to be elected in every County by the Counties themselves, in their steads to appear before the Kings Counsel (not Parl.) at *Westminster* on *Quindena Paschæ* following, to inform the Counsel, *what voluntary ayde each particular County would grant the King in his great necessity, towards the Defence of* Gascoigne *against the intended invasion of the King of* Castell. Which Necessity and Business, the Sheriffs themselves were commanded diligently to *declare to the elected Knights and others of the County, and effectually to induce them to grant the King a present competent ayde*; So as *the Knights of each County might answer upon their appearance before the Kings Counsil at the day prefixed, what they would doe concerning this ayde thus required of them.* This appears 1. By that very Clause of these Writs, which is most pertinent; which requires not the Sheriffs to elect two Knights to come to any Great Council or Parliament, there to advise and consult together touching the granting of a Subsidie or ayde to the King, but only

only 2ly. By the very Prologue of the Writ, which recites, That *the Earls, Barons, and the reſt of the Great men of the Realm had firmly promiſed the King to be at London 3. weeks after Eaſter with their horſes and arms:* not to hold a Parliament or Great Council, but to *march from thence to* Portſmouth *without any delay, and to croſs the Seas to the King in* Gaſcoigne, *to ayd him againſt the King of* Caſtell: *and that he ſhould diſtrain all who held 20 l. lands a year of the King* in Capite, *or of any of his Wards within their reſpective Counties, to accompany the Lords and Great men in this Expedition.* And thereupon it requires a voluntarie ayde of the reſt of the Freeholders and Inhabitants in each County towards this expedition, in manner aforſaid, for which end they were to elect 2 knights in each County to appear before the *Kings Privy Counſil*, not the *Earls, Barons*, and *other Great men of the Realm*, 15 dayes after *Eaſter*, a week before the Nobles and Great men appointed to meet. 3ly. By the whole frame of the Writ, differing much from the Writs of Summons here enſuing; and commanding the Sherifs to levy and pay in all the Kings debts under ſtricteſt penalties into his Exchequer by a certain day, which no other Writ of Summons to Parliament doth. 4ly. By comparing it with a like Writ to both the *Archbiſhops*, and all *Biſhops of Engl.* (forecited, Part 1. p. 4, 5.) to ſummon *all their Chapters, Archdeacons, Clergy, and other Religious perſons* before them in *their reſpective Dioceſſes*, and to excite them to a *free and liberal contribution of an ayde to the King upon the ſame neceſſity and occaſion*; whereof they were to *certifie the Kings Counſil by certain diſcreet men aboſen by them*, at the ſame time as the Knights of Counties were, both which Writs are entred together in the ſame *membrana*, differ but two dayes in their date, and fully explain each other. 5ly, By parallelling it with this writ in *Clauſ.* 19 H. 3. m. 8. dorſo.

Rex Vic. Suſſex *ſalutem. Scias quod Archiepiſcopi, Epiſcopi, Abbates, Priores, Comites, Barones, & omnes alii*

de

de Regno noſtro Angliæ qui de Nobis tenent in Capite, *ſpontanea voluntate ſua et ſine conſuetudine* Conceſſerunt Nobis efficax Auxilium, *ad magna negotia noſtra expedienda: unde proviſum eſt* De Conſilio illorum, *quod habeant de ſingulis feodis Militum Ward. que de Nobis tenent in Capite duas Marcas, ad prædictum Auxilium Nobis faciendum, et unde providerint reddere Nobis unam mediętatem ante feſtum Sancti* Michaelis, *Anno regni noſtri* 19. & *aliam mediętatem ad Paſch. Anno regni noſtri* 20. *Ideo tibi præcipimus, quod ad mandatum Venerabilis Patris* R. Ciceſtr. *Epiſcopi Cancellarii noſtri ſine dilatione diſtringas omnes Milites et liberè tenentes qui de eo tenent per Servicium Militare, in Balliva tua, ad reddendum ei de ſingulis feodis & Wardis* duas Marcas, *ad prædictum Auxilium Nobis per manum ſuam reddendum in terminis prædictis.*

Sic ſcribitur pro aliis Epiſcopis, Abbatibus, Prioribus, et Magnatibus; to the number of 23. And *dorſ.* 6. of the former Roll, there is the like Writ for other Temporal Barons.

By which it is apparent, that in this Kings reign, as well as in ſucceeding ages, all Publike Aydes granted in Parliamentarie Councils, were granted by the *common conſent of the Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and others who held of the King in* Capite; by *Act of Parliament*, according to the forecited Clauſe of the *Great Charter* of *King John*, and the ſubſequent Statutes of 25 E. 1. c. 5, 6. *De Tallagio non concedendo*, 14 E. 3. c. 21. & Stat. 2. c. 1. the Petition of Right, 3 *Caroli*, and other Acts; Therefore this Ayde which theſe Knights were choſen and ſummoned to grant for their reſpective Counties, without the *Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons and Great men of the Realm*, or without any Citizens or Burgeſſes ſummoned together with them, was doubtleſs no Parliamentary Ayde, but a voluntarie free Contribution of their own, without common conſent in Parliament; and ſo this Writ no Writ of Summons or election to a Parliament, though not impertinent to my Theam, and worthy obſervation.

The 4th ſort of Writs I have found in my ſearch which have any Analogie to a Summons of Knights to a Parliamentary Council, is this memorable Writ of Clauſ. 45 H. 3 m. 6. dorſo, not taken notice of by others.

Rex Vic. *Norff.* & *Suff.* ſalutem. Cum ex parte Epiſcopi *Wigorn.* Comitem *Leic.* et *Glouc.* ac quorundam aliorum Procerum Regni noſtri, vocati ſunt tres Milites de ſingulis Comitatibus noſtris, quod ſint coram ipſis ad Sanctum Albanum in inſtanti feſto Sancti *Matthei* Apoſtoli, ſecum Tractaturi ſuper communibus Negotiis Regni Noſtri. Et Nos & prædicti Proceres noſtri in eundem diem apud *Windeſore* convenimus ad Tractandum de Pace inter Nos et ipſos. Tibi præcipimus quod illis Militibus de Balliva tua qui vocati ſunt eojam eis ad diem prædictum, firmiter * injungentes ex parte noſtra; ut omni occaſione poſtpoſita, ad Nos die prædicto veniant apud *Windeſore*, et eis etiam diſtricte inhibeas, ne dicto die, alibi quam ad Nos accedant; ſed eos modis omnibus venire fac. eojam Nobis ad diem prædict. Nobiſcum ſuper præmiſſis Colloquium habituros, ut ipſi per effectum operis videant et intelligant, quod nihil attemptare proponimus, niſi quod honori atque utilitati Regni noſtri (tendere) noverimus, querere. T. Rege apud *Windeſor.* xi. die Septemb.

* injungetis.

Eodem modo mandatum eſt ſingulis Vicomitibus citra *Trentam.*

k See Mat. Paris, Mat. Weſt. Walſingham, Polychronicon, Polydor Virgil, Fabian, Grafton, Holinſhed, Speed and Daniel, Ann. 1261. & 45 H. 3.

Our k *Hiſtorians* relate, that a little before this writ, there fell out a Great Difference between King *Henry* and his Barons, concerning the *Proviſions made at Oxford*, and *his Oath for their Obſervation*, *from which he held himſelf abſolved, becauſe it was compulſory*: The King and his partie objected againſt the Barons, (who pretended the profit of the Realm) *that they ſought only their own honor and gain, contrary to their pretences and decrees*: They on the other ſide *ſpread abroad rumors among the people, that the King intended to introduce forein forces and impoſe*

Taxes

Taxes at his pleaſure, &c. to the ſubverſion of the State of the Realm, and oppreſſion of the people; Which the King by his *Proclamations* proteſted *againſt as falſe and ſcandalous, to undermine his ſeduced Subjects, whoſe affections and aſſiſtance the Barons by theſe falſe ſuggeſtions endeavoured to alienate from him*, as Claus. 45 H. 3. pars 1. d. 15. and Claus. 48 H 3. d. 9. Pat. 48 H. 3. d. 20. record, Whiles the King and Barons thus banded againſt each other, it appears by this Writ, the Barons ſummoned 3. *Knights out of every County* to come before them at St. *Albans*, on St. *Matthews* day, *to treat with them concerning the common affairs of the Realm*: But whether theſe 3. Knights were elected by the Inhabitants of each County, or ſuch only as the Barons themſelves nominated, (which is moſt probable) appears not certainly by the Writ, of which our Hiſtories make no mention. The King being informed hereof, to prevent this intended Aſſembly at St. *Albans* by his writs commands theſe Lords and Barons to repair to him at *Windſore* the ſelf-ſame day on wch they appointed theſe Knights to meet them, to treat of a Peace between him and them; and by this Writ commanded this and all other Sheriffs on this ſide *Trent*, to whom like writs were ſent, to ſummon thoſe very Knights the *Barons* had called to St. *Albans*, to appear before him the ſame day at *Windſore*, ſtrictly prohibiting them to appear that day at any other place than before himſelf; and to cauſe them by all poſſible means then to come before him, *to conferr with him about the premiſes*, (to wit, the peace and reconciliation between him and the Barons) that ſo they *might by the effect of that Treaty both ſee and underſtand, that he purpoſed to attempt or ſeek nothing, but what he knew was for the honor and profit of his Realm*. So as theſe Writs in reality, were no proper legal Summons of any Knights of Shires to a Parliament, or Great Council, but rather an inhibition to divert them from confederating and meeting with the Barons, by ſummoning them all at the ſame time

to appear before the King at *Windſore*, to be witneſſes of his fair proceedings and publike intentions in the Treatie of Peace then intended between him and his Barons. And that which further clears it, is ſomwhat a like Writ in the ſame *Roll* to the *Barons* and *Bailiffs* of *Sandwich* about 3. weeks after the precedent Writ: which for its raritie I ſhall here inſert.

1 Clauſ. 45 H. 3. m. 5. dorſo. 1 Rex Baronibus et Ballivis ſuis de Sandwic. ſalutem Cum Vos et Progenitores veſtri, Nobis et Progenitoribus noſtris et Coronæ noſtræ ſemper extiſtis prompti et fideles, & jam per quoſdam Nobis adverſarios protenus ſicut audivimus, quod hac die quindena poſt feſtum S. *Michaelis*, ſub ſpecie reformandæ pacis. inter Vos et Barones noſtros de *Wincheles*, apud *Bradhull* convenire debeatis, ubi in dampnum noſtrum colligationes requirere, et eos quos poterint à noſtra fidelitate avertere proponunt. Vobis mandamus ſub debito fidelitatis et dilectionis quibus Nobis teneminí ſpecialiter injungentes, ne ibi aliquo modo accedatis, aut animos veſtros eorum ſuggeſtionibus aliquo modo inclinetis, et ſuper contentionibus inter vos et dictos Barones noſtros de *Wincheles* ſubortis, in pace vos habeatis uſque ad feſtum Nativitatis Domini, ut tunc ad vos Cuſtodem Portuum noſtrorum, aut aliquem alium fidelem et diſcretum mittamus ad pacem illam prout melius et commodius fieri poterit, inter vos et ipſos reformandã; Nos enim prædictis Baronibus noſtris de *Wincheles*, hoc ipſum injunximus per literas noſtras. Et quia intelleximus, quod quidam extranei contra Nos ingreſſi ſunt regnum noſtrum, quorum quidam inter *Sandwic.* & *Dover.* quidam autem inter *Hetb* & *Fulleſham*, et quidam apud *Sborham* nuper applicuerunt, et inſuper quidam in partibus *Flandriæ* ſe parant ad ingrediendum modo conſimili regnum noſtrum, omnimodam diligentiam quam poteritis inhibeatis ad cuſtodiend. et prohibend. ne aliqui extranei regnum prædictũ modo prædicto ingrediantur, prout etiam alias dedimus vobis in mandatis. Attendetis enim et fidelitatem et devotionem

tionem quam ſemper erga Nos habuiſtis, et quas pro cuſtodia Maris (quæ vobis et cæteris Portubus noſtris ſpecialiter incumbit) et honores et libertates præ aliis et Regno noſtro adepti eſtis, quas ſpeciali prærogativa ſemper intendimus et volumus conſervare. Teſte Rege apud Sanctum *Paulum* London 3. die Octobris.

Eodem modo mandatum eſt Baronibus et Ballivo de *Winchelea*.

The very firſt Record I have yet found, wherein there is expreſs mention made of any Writs to Sheriffs or others, to ſend any *Knights, Citizens, Burgeſſes* and *Barons of the Ports* to Parliament, is *Cl.* 49 *H.* 3. d. 11. *Cedula.* where after the * forecited Writs to the Biſhops of *Durham* & *Norwich*, and the *Eodem modo mandatum eſt*, to the *Biſhops, Abbots, Priors, Deans, Earls, Lords and Barons*, there follows this entry in the Record, 1.

* Part. 1. p. 5.

(*m*) Item mandatum eſt ſingulis Vicecom. per Angl. quod venire faciant **Duos Milites** de legalioribus, probioribus et diſcretioribus Militibus ſingulorum Comitatuum **ad Regem** *London*; in Octab. prædict. **in forma prædicta.**

(m) See my Plea for the Lords, p. 379.

Item **in forma prædicta** ſcribitur Civibus *Eborum*, Civibus *Lincoln*, et cæteris Burgis *Angl* quod mittant in forma prædicta **Duos** de diſcretioribus, legalioribus et probioribus tam **Civibus** quam **Burgenſibus ſuis.**

Item **in forma prædicta** mandatum eſt **Baronibus** & probis hominibus Quinque Portuum prout continetur in Brevi inrotulato inferius.

It ſeems by this Writ, that the Writs then iſſued to theſe Knights, Citizens and Burgeſſes, were the ſame in form and ſubſtance with thoſe to the Spiritual and Temporal Lords, with little or no variation. But not one of them is particularly regiſtred except the Writ to the *Cinqueports* varying in ſome clauſes from the Writs to the Lords.

That I ſhall principally obſerve from this Entry, is,

First,

Firſt, that there were only two Knights, Citizens, Burgeſſes, Barons of Ports, and no more, to be ſent out of every County, City, Borough and Port. 2ly. That theſe were to be duly qualified as theſe Writs preſcribed; to wit, two of the more or moſt legal, honeſt and diſcreet Knights, Citizens, Burgeſſes, Barons, in every County, City, Burrough and Cinque-Port. 3ly. That it appears not by this Entry whether the Counties themſelves, or the Sheriffs alone, were to elect and make choice of theſe Knights. 4ly. That the Writs for electing Citizens and Burgeſſes were directed immediately to the Citizens and Burgeſſes themſelves, not to the Sheriffs of the Counties, wherein they were ſituated, nor to their Mayors, Sheriffs, or chief Officers, as in ſucceeding ages. 5ly. That no Writ iſſued to the Citizens of *London*, *their* (*m*) *Liberties being then ſeiſed by the King, many of them impriſoned and their eſtates confiſcated for ſiding with the Barons againſt the King*; and that *York* and *Lincoln* are the only Cities mentioned particularly in the Roll.

(*m*) Mat. Weſtm. Anno 1265. p. 340. My Plea for the Lords, p. 258, 259.

It is evident by theſe Clauſes in the Prologues to the printed Statutes of *Marleborough*, Anno 52 H. 3. *The more diſcreet men of the Realm being called together, as well of* the Higher, as of the Lower Eſtate, &c. of Weſtm. 1. Anno 3 E. 1. *Theſe be the Acts of King* Edward, *&c. made at Weſtminſter, at his firſt* Parliament general *after his Coronation* by his Counſil, *and by the aſſent of Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and all the* Commonaltie of the Realm being thither ſummoned, &c. That Writs of Summons iſſued to all theſe reſpectively in theſe two Parliaments and others ſucceding them; but yet I find no Writs of ſummons or elections to theſe Parliaments now extant in the Clauſe or other Rolls of theſe years to the Temporal Lords, or Sheriffs; the Writs being then kept in Bundles by themſelves, (eſpecially thoſe to Sheriffs,) and not entred in the Clauſe Rolls, and thoſe Bundles quite loſt through negligence, or caſualtie. The very

firſt

firſt Writs of Summons of Knights, Citizens and Burgeſſes iſſued to Sheriffs, that I have met with in our *Records* entred at large in the Rolls, are theſe of Clauſ. An. 22 E. 1. m. 6. dorſo. Which are very rare and memorable, extant in no Collections of theſe Writs by others, that I have ſeen.

Cl. 22 E. 1. m. 6. dorſo. De Militibus eligendis & mittendis ad Conſilium.

Rex Vic. *Northumbr.* ſalutem. Quia cum Comitibus, Baronibus, et cæteris Magnatibus de regno noſtro ſuper quibuſdam negotiis arduis Nos et idem regnum noſtrum contingentibus, in craſtino Sancti *Martini*, prox. futuro apud *Weſtm.* Colloquium habere volumus et Tractatum. Tibi præcipimus, quod eligi facias *duos Milites*, de diſcretioribus et ad laborandum potentioribus de Com. prædicto, et eos ad Nos uſque *Weſtm.* venire facias. Ita quod ſint ibi in craſtino prædicto, *cum plena poteſtate pro ſe et tota Communitate Com. prædicti, ad conſulend. et conſentiend. pro ſe et Communitate illa, bis quæ Comites, Barones, & Proceres prædicti concorditer ordinaverint in præmiſſis.* Et ita quod pro defectu poteſtatis hujuſmodi idem *negotium infectum non remaneat.* Et habeas ibi hoc breve. Teſte Rege apud *Weſtm* 8 die Octob.

Conſimiles Literæ diriguntur ſingulis Vicecomitibus *Angliæ*. T. ut ſupra.

After which follows this ſecond Writ entred immediately after it in the ſame dorſe.

Pro Rege de aliis Militibus cum Prioribus intendendis ut ſupra.

Rex Vic. *Northumbr.* ſalutem. Cum nuper tibi præcepeſſemus, quod *duos Milites de diſcretioribus* & ad laborandum potentioribus *ejuſdem Comitatus, de conſenſu ejuſdem* eligi, et eos ad Nos uſque *Weſtm.* in craſtino Sancti *Martini* prox. futuro cum plena poteſtate pro ſe & tota Communitate ejuſdem Com. venire faceres, ad *conſulend. et conſentiend pro tota Communitate illa bis qui Comites, Barones, et Proceres de Regno noſtro in dicto craſtino ordinaverint.* Tibi præcipimus firmiter injungentes, quod *præter duos illos Milites eligi facias* alios duos ſplites *legales, et ad laborandum potentes, et eos una cum dictis duobus Militibus uſque Weſtm. venire facias. Ita*

quod

quod in dicto craſtino ſint ibidem, ad audiendum et faciendum quod ei tunc ibidem plenius injungemus. Et hoc nullo modo omittas. Et habeas ibi hoc Breve. Teſte Rege apud *Weſtm.* 9. die Octobr.

Eodem modo mandatum eſt ſingulis Vicecom. *Angliæ*, mutatis mutandis. T. ut ſupra.

In theſe two Writs there are many things worthy our ſpecial obſervation.

1. That the word *Parliamentum* is not uſed in them, but only *Colloquium et Tractatum.* 2ly. That there is no mention in theſe Writs of any *Colloquium* or *Tractatum, cum Prælatis*; but only *cum Comitibus, & cæteris Magnatibus de regno noſtro.* 3ly. That the Sheriffs are required only *Duos Milites de Com. prædicto eligi fac. &c.* without any Citizens or Burgeſſes of the Cities or Boroughs within their reſpective Counties. 4ly. That theſe two Knights were to be thus qualified; *De diſcretioribus, et ad laborandum potentioribus, & magis legales*; and to be *de Com. prædicto*; not of any other County. 5ly. That they were to be elected, *De conſenſu ejuſdem Comitatus*, not without or againſt their conſents. 6ly. That they were to appear at the day and place preſcribed in the Writs; *Cum plena poteſtate pro ſe et tota Communitate Com. prædict. ad conſulend. et conſentiend.* and that only, *hiis quæ Comites, Barones & Proceres prædicti concorditer ordinaverint in præmiſſis*; not what the Knights themſelves ſhould ordain or preſcribe: who could then vote, order, determin nothing, but what the Earls, Barons, Nobles, and the King did firſt ordain and adviſe: much leſs ordain or order any thing without and againſt their wills, order and aſſents, as ſome of late moſt inſolently and unparliamentarily have preſumed to doe without the leaſt ground, warrant, reaſon, preſident: As is further evident by this in the later Writ; *ad audiendum et faciendum quod ei tunc ibidem plenius injungemus.* 7ly. That there is but one days difference betweenthe dates of both theſe Writs, and that they iſſued in the ſelf-ſame form (*mutatis mutandis*)

dis) to all the Sheriffs of *England*. 8ly. (which is moſt obſervable) That the King by theſe Writs enjoyns every Sheriff in each County of *England*, *quod præter duos illos Milites*, which they were to elect by virtue of the firſt Writs, *eligi facias* **Duos alios Milites** *legales, &c. et eos una cum dictis duobus Militibus uſque Weſtm. venire facias, &c.* So that they were to elect no leſs than 4. *Knights* by theſe two Writs for every County, with equal power and authority; who were all to appear and ſerve in this Parliament: A clear evidence, that the King in this age was not confined to any certain Number of *Knights* (nor yet of Citizens or Burgeſſes) in any County, but might then ſummon ſo many Knights, as he thought moſt expedient and neceſſary, ſince reduced to a *certainty* by the *ſubſequent Statutes* of 5 R. 2. c. 4. 7 H. 4. c. 15. 11 H. 4. c. 1. 1 H. 5. c. 1. 6 H. 6. c. 4. 8 H. 6 c. 7. 10 H. 6. c. 2. 23 H. 6. c. 11. 15. 27 H. 8. c. 26. 34 H. 8. c. 13. 35 H. 8. c. 11. 9ly. That the King by his *Tibi præcipimus firmiter injungentes, & hoc nullo modo omittatis*; manifeſts, that the Sheriffs were bound at their peril to obey, execute both theſe Writs, without diſputing or diſobeying them. 10ly. That though the Writs enjoin the Sheriff only, *& habeas ibi hoc breve*; yet the Sheriff was to return the names of the Knights elected together with the Writ, as the practiſe and returns in thoſe times reſolve.

The next Writs I have met with for electing Knights Citizens and Burgeſſes, are thoſe in Clauſ. 23 E. 1. m. 4. dorſo.

Rex Vic. Northt. *ſalutem. Quia cum* Comitibus, Baronibus, *& cæteris* Proceribus *regni noſtri ſuper remediis contra pericula quæ eidem regno hiis diebus imminent providend. Colloquium habere volumus et Tractatum, per quod eis mandavimus, quod ſint ad Nos die Dominica prox. poſt feſtum Sancti* Martini *in yeme prox. futur. apud* Weſtm. *ad tractand. ordinand. & faciend. qualiter ſit hujuſmodi periculis obviand. Tibi præcipimus firmiter injungentes, quod*

de Com. prædicto *Duos Milites*, & de quolibet *Civitate* ejuſdem Com. *Duos Cives*, & de quolibet *Burgo Duos Burgenſes*, de diſcretioribus, et ad laborand. potentioribus ſine dilatione eligi, et eos ad Nos ad prædictos diem & locum venire fac. Ita quod dicti Milites plenam & ſufficientem poteſtatem pro ſe & Communitate Com. prædicti, & dicti Cives et Burgenſes pro ſe et Communitate Civitatum et Burgorum prædictorum diviſim ab ipſis tunc ibidem habeant ad faciend. tunc quod de Communi Conſilio ordinabitur *in præmiſſis*. Ita quod pro defectu hujuſmodi poteſtatis negotium prædictum infectum non remaneat quoquo modo. Et habeas ibi nomina Militum, Civium & Burgenſium, & hoc breve. Teſte Rege apud Cantuar. tertio die Octobr.

Conſimiles literæ diriguntur ſingulis Vicecom. per Angliam, et de eadem data.

5. The next Writs of this kind now extant, are thoſe of Clauſ. 24 E. 1. m. 7. dorſ. little different from the former.

Rex Vic. *Linc.* ſalutem. Quia cum Comitibus, &c. (as in the former Writ) quod ſint ad Nos in craſtino Animarum prox. futur. apud Sanctum *Edmundum* ad tractand. ordinand. et faciend. qualiter ſit periculis obviand. hujuſmodi et ſtatui ejuſdem Regni tutius, et utilius conſulend. Tibi præcipimus quod de Com. prædicto *duos Milites*, et de qualibet Civitate ejuſdem Com. *duos Cives*, et de quolibet Burgo *duos Burgenſes* de diſcretioribus et ad laborand. potentioribus, ſine dilatione eligi, et eos ad Nos ad prædictos diem et locū venire facias. Ita quod dicti Milites plenam & ſufficientem poteſtatem pro ſe et Communitate Com. prædicti habeant in præmiſſis; Ita quod pro defectu poteſtatis hujuſmodi negotium prædictum non remaneat quoquo modo inane. Et habeas ibi nomina Militum, Civium et Burgenſium et hoc breve. T. ut ſupra.

Conſimiles literæ diriguntur ſingulis Vicecomitibus per *Angliam*. T. ut ſupra.

There is nothing remarkable in this Writ, but only that

that it differs somewhat in words, but not in substance from the ordinary Writs succeeding it, in the *Ita quod, &c.* I shall therefore proceed to the next Writs of this kind.

The next are these notable Writs (unobserved by others) which I meet with in 25 E. 1. when the great Charter of the Liberties and of the Forest were to be confirmed, in respect of a great ayd given to the King against the French, thus entred in Claus. 25 E. 1. d. 6. after the Writ *de Parliamento tenendo* to the * *Archbishop of Cant.* dated 9 die Septembris, and the list of the names of the Spiritual and Temporal Lords. 6. De veniendo pro confirmatione Magnæ Cartæ. * See Part 1. p. 9.

Rex Vic. Ebor. *salutem. Quia in relevationem omnium incolarum et populi Regni nostri pro Octava omnium bonorum singulorum ligeorum per totum idem Regnum pro urgentissima nunc dicti Regni contra* Gallicos *necessitate levanda, concessimus* pro Nobis et Hæredibus nostris *confirmare, et firmiter teneri facere* Magnam Cartam de Libertatibus Angliæ, et Cartam de Libertatibus Forestæ; *& concedere omnibus & singulis ejusdem Regni literas nostras Patentes, quod dictæ Octavæ levatio non cedat eisdem in præjudicium, servitutem et exhæredationem, usum vel consuetudinem in futurum. Tibi præcipimus firmiter injungentes, quod sine dilatione aliqua duos de probioribus et legalioribus Militibus Com. tui* Eligi, *et eos plenam potestatem pro ipsis & tota Communitate dicti Com. habentes, ad* Edwardum *filium nostrum carissimum, tenentem in* Anglia *locum nostrum, venire facias. Ita quod sint* London. *ad eundem filium nostrum modis omnibus in Octabis Sancti* Michaelis *proximo futuri ad ultimum, Cartas super Confirmatione nostra Cartarum prædictarum, et literas nostras super dicta concessione pro ipsa Communitate in forma prædicta recepturi, & facturi ulterius, quod per dictum filium nostrum ibidem fuerit ordinatum. Et hoc nullo modo omittas. Et habeas ibi hoc Breve. T.* Edwardo *filio nostro apud Sanctum* Paulum *London* 10. die Septembr.

Consimiles Literæ diriguntur singulis Vicecom. per Angliam.

From theſe new extraordinary Writs, I ſhall obſerve, 1. That extraordinary publike neceſſities againſt forein enemies, require extraordinary Aydes from the people. 2ly. That when ever ſuch extraordinary exceſſive ayds were granted by Parliament, it was with this ſpecial caution, that the King by his Patents as well as the Parliament, ſhould declare, that it ſhould not afterward be drawn into Cuſtom, nor turn to the prejudice, thraldom, or diſhinheriſon of the people in ſucceeding times. 3ly. That thoſe extraordinary Aydes were recompenced with extraordinary Grants and new *Confirmations of the Great Charters of the Liberties of *Engl.* and of the *Foreſt*, (which the **Lords* and *Commons* then much preſſed and inſiſted on) for the King and his heires, which were new confirmed by ſpecial Letters Patents, which the knights elected for every County, were to be impowred by the Commonaltie of each County to receive, and to deliver to them: and to do what elſe the Prince by advice of the Nobles ſhould ordain in this Parliament. 4. That the chief occaſion of this Writ and Parliament was this; the Earls of *Hereford*, and *Marſhall*, who were very powerfull and popular, inhibited the Barons of the Eſchequer, after the Kings paſſage into *Flanders*, to levy the 8. part of their goods granted to him at St. *Edmunds*, without their conſents; and induced the City of *London* to joyn with them, not to pay the ſame, unleſs theſe Great Charters and their other Liberties were firſt confirmed, which the Prince and his Counſil promiſed to doe, as you may read at large in *Thomas de Walſingham, Hiſt. Angl.* p. 35. to 42. and *Ypodigma Neuſtriæ*, p. 84, 85, 86. &c. *Mat. Weſtminſter, Anno* 1297. p. 409, 410. *Henry de Knyghton, de Eventibus Angliæ*, l. 3. c. 11. *Holinſhed, Grafton*, with other our vulgar Hiſtorians; and My *Plea for the Lords*, p. 98. to 104. The Prince, by advice of the Counſil, after the ſummons of this Parliament, to prevent all Commotions by theſe Earls and their Confederates, iſſued ſpecial Writs not only to all

* See 25 E. 1, c. 1, 2, 3, 4, 5, 6, 7.

* Walſingham Hiſt. Angl. P. 35. to 42.

* great

* *Great Cities and Corporations of England*, prohibiting, *Ne Congregationes & Conventicula fiant*, to diſturb the publike peace, and to all Captains and Governors of Caſtles, in reſpect of the preſent dangers, ſafely to guard their Caſtles, ſo as *non Nobis vel dicto Conſilio non paſſet aliquod periculum imminere*, as the Writs at large inform us; but likewiſe ſent ſpecial Writs to ſome *Earls* and *Lords* formerly ſummoned to the Parliament at *London*, and to ſome others whom they moſt confided in, to repair to the Prince and his Counſil, with their horſes and arms; as is evident by theſe memorable Writs intermixed with the Writs of Summons to this Parliament, Clauſ. 25 E. 1. m. 5. dorſo. * Cl. 25 E. 1 m. 5. 3. dorſo.

* *Rex dilecto et fideli noſtro* Ricardo *fil.* Alani *Comiti* Arundell *ſalutem. Quia nuper ante paſſagium noſtrum ad partes tranſmarinas injunximus* Edwardo *filio noſtro, tenenti in Anglia locum noſtrum, quædam Negotia Nos & regnum noſtrum ſpecialiter contingentibus, ſuper quibus ipſum Vobiſcum* habere volumus Colloquium & Tractatum. *Vobis mandamus in fide et dilectione quibus Nobis tenemini firmiter injungentes, quantum ſitis, cum equis et armis ad dictum filium noſtrum die Dominica proxima ante inſtans feſtum Sti.* Michaelis *ubicunque tunc fuerit in* Anglia; *ad veniendum ibidem cum dicto Filio noſtro et ejus Conſilio ſuper dictis negotiis locuturi & tractaturi, ac facturi quod tunc Vobis per ipſum & Conſilium ſuum injungetur ex parte noſtra. Et hoc ſicut Nos & honorem noſtrum, & commodum regni noſtri diligitis, nullatenus omittatis.* T. Edwardo *filio Regis apud Sanctum* Paulum *London. 9 die Septembris.* * Clauſ. 25 E. 1. m. 3. dorſo. De veniendo cum equis & armis.

Conſim. literæ diriguntur ſubſcriptis, Roberto de Dacre, and 48 more.

(The like Writs iſſued *Fulconi* fil. *Warini*, to be *cum equis & armis ad dictum filium noſtrum* London *in Octab. Sancti* Michaelis, *prox futur. Ibidem cum dicto filio noſtro et ejus Conſilio ſuper dictis negotiis locuturi et tractaturi, &c. Teſt ut ſupra.*

Conſimiles literæ diriguntur, to 28. others.)

Et

Et Memor. quod omnes iſti rogati fuerunt quod venirent apud Roſſi: præter Phum. Muhaunks, Nichum. Bramcher, Simonem Roges de Fydoke, Petrum Mellore, & Phum. de Wylyver, quorum brevia fuerunt reſtituta.

Rex dilecto et fideli ſuo Johanni Gifford *ſalutem. Licet nuper vobis mandaverimus, quod propter quedam ardua Negotia Nos et regnum noſtrum tangentia, ad* Parliamentum *quod etit* London *in proximo craſtino Sancti* Michaelis *ad* Edwardum *filium noſtrum, tenentem in* Anglia *locum noſtrum modis omnibus veniretis. Vobis tamen ob aliquas certas cauſas ſtrmiter injungendo mandamus, quod interim taliter ordinetis, quod equi veſtri et arma ſint ad Vos* London. *in Octabis dicti feſti Sancti* Michaelis *ad ultimum. Et hoc ſicut Nos et commodum regni diligitis, nullatenus omittatis. T.* Edwardo *filio noſtro apud Sanctum* Paulum 16. *die* Septembris.

Conſimiles Literæ diriguntur ſubſcriptis, viz. Edmundo *Com.* Cornub. Roberto de Tateſhall, Fulconi *fil.* Warini.

So as it appears by theſe Writs that there was firſt a Summons to *London* to the Parliament, and after to a kinde of Militari Camp, *cum equis & armis.*

Theſe Writs would have little prevailed to ſecure the Prince and his Counſil, and prevent Inſurrections, had they not then iſſued out the former, for the confirmation and future inviolable obſervation of the *Great Charters*, and redreſs of all other *Grievances* mentioned in their Petitions in *Walſingham*, the free and full conceſſion whereof in Parliament, and ratification of theſe Charters, quieted all tumultuous Spirits and drew on the people to a chearfull payment of that extraordinary Tax which diſguſted them.

The next writs are not entred in the *Clauſe Rolls*, but I find the *Original Writs* themſelves, with their returns, in the *Bundle* of them yet extant in the *Tower*, out of which I ſhall preſent you with this true tranſcript, copied with my own hand.

Anno

Anno 26 E. 1. Bundela n. 1. *Edwardus Dei gratia* 7.
Rex Angliæ, Dominus Hiberniæ, & Dux Aquitaniæ. Vic. *Noribt.*
Noribt. salutem. Quia apud *Ebor.* in instanti festo *Pentecostes* esse proponimus Deo concedente, et ibidem **Cum Comitibus, Baronibus, et cæteris Proceribus** dicti regni super negotiis Nos et Statum ejusdem Regni tangentibus habere volumus Colloquium et Tractatum: per quod mandavimus **iisdem Comitibus, Baronibus, et Proceribus** quod tunc sint ad Nos ibidem Nobiscum locuturi, et super dictis negotiis tractaturi. Tibi præcipimus firmiter injungentes, *quod de Com. prædicto duos Milites, et de qualibet Civitate ejusdem Com. duos Cives, et de quolibet Burgo duos Burgenses de discretioribus, et ad laborandum potentioribus sine dilatione eligi, & eos ad Nos ad prædictos diem et locum venire facias.* Ita quod dicti Milites plenam et sufficientem potestatem pro se et Communitate Com. prædicti, et dicti Cives & Burgenses pro se et Communitate Civitatum et Burgorum prædictorum divisim ab ipsis tunc ibidem habeant, ad faciend. quod tunc de communi Consilio ordinabitur in præmissis. Ita quod pro defectu hujusmodi potestatis negotia prædicta infecta nō remaneant quoquo modo. Et habeas ibi nomina Militum, Civium et Burgensium, et hoc Breve. Teste meipso apud *Fulham*, 13. die Aprilis, Anno regni nostri vicessimo sexto.

The rest of the Writs in this Bundle to the other Sheriffs were all in the self-same form, and have the self-same date, except that to the Sheriff of *London*; Therefore I shall not repeat any more of them, but acquaint you with the several different returns of the Sheriffs endorsed on every of these Writs, or in *Cedules* annexed to them, being the first Returns extant, full of excellent variety and use, as well as rarity. The first Writ to the Sheriff of *Northampton*, is thus endorsed and returned by the Sheriff.

Nomina

Nomina Militum Electorum pro Com. *Northampton*

Stephanus Rabus Man: per { *Rogerum fil. Galfridi.* / *Willielmum Cartar* / *Hent. de Oſſevill* / *Willielmum Andrew.*

Philippus de Boſco Man. per { *Alex. Wyn, de Wodeffs.* / *Gervaſ Gould de eadem.* / *Will. Peſtour de eadem.* / *Simonē Craneffe de eadem*

Nomina Burgenſium Electorum pro villata *Northampt.*

Johannes de Longevylle Man. per { *Matthæum le Mercer,* / *Iohannem Minſmyth,* / *Robertum de Sedeffs,* / *Willielmum Demont.*

Spencer de Northt. Man. per { *Joban. de Thorp* / *Hugo le Paumer* / *Henry de Harwood* / *Galfr. de Garlikg.*

The Writ to the Sheriff of the County of *Oxford*, is thus endorſed and returned,

2 *Oxon.* Milites et Burgenſes ſubſcripti electi ſunt ſecundum formam content. in brevi, et manucapt. de veniend. &c. viz. *Willielmus de Nalebrok* Miles, *Henricus de Bruly* Miles, with two manucaptors for each. De Burgo *Oxon:* 2. Burgeſſes are returned, with 2. manucaptors for each. *Non ſunt plures Burgi & Civitates in Com.* Oxon.

3 *London.* The writ to the Sheriffs of *London* is, *Quod de Civitate prædicta Duos Cives de diſcretioribus & ad laborandum potentioribus ſine dilatione eligi, &c.* ut ſupra. T. Rege apud *Weſtm.* 10 die Aprilis. On which writ this return is indorſed,

Secundum quod injunctum eſt Nobis per iſtud mandatum, eligi fecimus *Walterum de Fynchyngfeld*, et *Adam de Fowham*, ad eſſend. coram Vobis ad diem et locum in brevi contentos, Vobis collocutur, et ſuper negotiis veſtris tractatur. quibus ad hoc plenam et ſufficientem

po-

poteſtatem dedimus nomine noſtro, prout præcipitur in brevi.

The writ for *Middleſex* is thus returned, Totus Com. *Midd.* elegerunt *Ricum. de Wyndeſore* & *Henricum de Enefeld* Milites, ad veniend apud *Eborum*, pro toto Com. &c. 4. Middleſex.

Manucaptores Dom. *Rici: de Wyndeſore* eſſendi ad diem in brevi, 2. are there returned, with two for the other. *Nulla eſt Civitas vel Burgus in balliva mea.*

The return for *Hereford* is in this form. 5.

Nomina duorum *Militum* Com. *Hereford.* Hereford.

Manucaptores *Thomæ de Chabenore*, 4. there named as his Manucaptors.

Manucaptores *Thomæ de la Mare*, 4. there liſted as his manucaptors.

Nomina duor. Civium Civitatis *Hereford*, 2. there returned, having each 2. manucaptors.

Nomina duorum Burgenſium de Burgo *Leominſter*, 2. Burgeſſes returned with their two manucaptors apeece.

Nomina duorum Burgenſium de Burgo de *Bewdye* 2. with 2. manucaptors for either returned.

The return of the Sheriff of *Buckingham*. *Johannes de Sherwode* Miles, electus eſt, et habet plenam et ſufficientem poteſtatem pro ſe et Communitate Com. prædicti. Et idem *Johannes* manucaptus eſt veniendi coram vobis ad diem in brevi contentum. 6. Bucks.

Nomina manucaptorum prædicti *Joban.* &c. 4. there named and returned.

Laur: de Blunkeſdon Miles, electus eſt in forma prædicta, et manucaptus eſt veniendi coram vobis ad diem in brevi contentum. Nomina manucapt. &c. 4. there ſpecified.

Nulli ſunt Cives nec Burgenſes in Com: prædicto, nec Civitas, nec Burgus: propter quod Cives nec Burgenſes coram vobis venire facere non poſſum.

The return of the Sheriff of *Bedford*, *Walterus* fil. *Roberti* Miles, electus eſt, et habet plenam et ſufficientem 7. Bedford.

tem poteſtatem pro ſe et Communitate Com. prædict. Et idem *Walterus* manucaptus eſt de veniendo coram vobis ad diem in brevi contentum.

Nomina manucaptorum prædicti *Walteri* 4.

Ricardus de Rous Miles, electus eſt, et habet plenam, &c. ut ſupra, *& diſtring: per octo boves et quatuor afros, veniend. coram vobis ad diem in brevi.*

Nota.

Burgenſes { *Thomas Holyday* de Burgo *Bed:* electus eſt, & manucap. per 4. there liſted. *Robertus de Cywelle* de Burgo *Bed.* manucapt. per 4. there named.

8 *Surr:* The return of the Sheriff of *Surrey* endorſed on the Writ, *Milites, Burgenſes electi in Com:* Surr. *viz. Iohan: de Auburnon* Miles, manucapt. eſt per 2. there liſted. *Iohannes de Hamme* Miles, per 2. others.

Burgus de *Gildeford*, 2 Burgeſſes, with 2 manucaptors.

Burg: de *Sutbwerk*, 2 Burgeſſes, with 2 manucaptors.

Burgus de *Reygate*, 2 Burgeſſes, with 2 manucapsors.

Burgus de *Blecchyngelegh* 2. with 2 manucaptors for each of all theſe Burgeſſes,

9 *Suſſex.* *Milites, Cives et Burgenſes electi in Com:* Suſſex, viz: *& manuc: ſecundum tenorem Brevis.*

Henricus Huſe Miles, manucapt. eſt per 2. venire ad diem, &c.

Radul: Samſaver Miles, manucapt. eſt per 2. venire ad diem.

Burgenſes de *Seford* 2. having each 2 manucaptors.

Burgenſes de *Shorham* 2. with 2 manucaptors.

Burgenſes de *Steryng Bunibus*, with 2 manucaptors.

Burgenſes de *Lewes* 2 with 2 manucaptors for either.

Cives Civitatis *Cyceſtr:* 2. with 2 manucaptors for each.

10 *Wigorn.* *Nomina Militum, Civium, Burgenſium in Com:* Wigorn. *electorum*,

Willielmus de Meueſchal Miles, et ſunt manucaptores ejuſdem *Willielmi* 2.

Thomas de Bertelegh Miles, & ſunt manucaptores 2. there liſted.

Cives

Clives *Wigorn:* 2. man. 2. for each, there named.
Burgenſes de *Wychia* 2. manuc. 2 for either.

Schedula. *Nomina Militum et Burgenſium ſecundum tenorem Brevis Domini Regis huic panello attach: electi de eſſendo ad diem et locum in brevi content. prout in eodem præcipitur.* 11 Glouc.

Milites { *Robertus de Berkeleye*, man. 4.
{ *Johan. de Langeleye*, man. 4. there liſted.

Burgenſes de villa *Briſtoll* { *Johannes de Tanner*, man. 2.
{ *Johannes de Cheddre*, man. 2.

Burgenſes de villa *Gloucestr:* 2. with 2 manucaptors returned.

Nulla eſt civitas in Com: Glouceſtr.

De Com. *Derby* electi ſunt duo Milites, qui plenam et ſufficientem poteſtatem habent pro ſe et Communitate Com: prædict: ſecundum tenorem hujus brevis, viz. *Henricus de Braylesford* Miles, qui manucaptus per 2. *Henricus* filius *Herberti* Miles, qui manucapitur by 2. there liſted. 12 Derby.

Et breve iſtud returnatum fuit *Willo: le Oyler* Ballivo Libertatis Villæ *Derb:* qui plenum returnum brevis habet pro duobus Burgenſibus ejuſdem villæ, et mihi reſpond: quod elegit aſſenſu Communitatis totius villæ prædictæ Magiſtrum *Willum. Broun* de *Derby*, et *Nicholum. le Latimer* de eadem, who have two manucaptors for each returned.

De Com. *Nottingh.* electi ſunt duo Milites, qui plenam et ſuffic. poteſtatem habent pro ſe et Communitate Comitatus prædict, ſecundum tenorem hujus brevis, viz. *Richus. de Byngham* Miles, qui manucaptus per 2. *Richus de Furneus* Miles, qui manucaptus per 2. there named. 13 Notingh.

Et *Breve iſtud retorn. fuit Ballivis Libertatis villæ* Nottingh. *pro duobus Burgenſibus, qui michi reſponderunt, quod eligerunt aſſenſu Communitatis villæ prædictæ*, Johem le Flemyng, de Nott. Adam de Flemyng *de eadem*: who found two manucaptors a-peece there recorded.

Willus. de Hodenet Miles electus, manucaptus eſt ven: 14

ad diem in brevi contentum per 2. *Petrus de Byton* Miles electus, manucaptus eſt per two there named.

Burgenſes de *Salop* 2. Burgenſes; de *Bruges* 2. there named, manuc. per 2 manucaptors for each of them.

15 *Stafford*

Willielmus de Stafford Miles electus, manucaptus eſt venire ad diem in brevi contentum per 2. *Henricus Mauney* Miles electus manuc. eſt per 2. there recorded.

Burg. de *Stafford* ven. & non alii.

16 *Hereford*

Nomina Militum. *Robertus de Hoo & Iohannes Aygnel* electi ſunt in pleno Com. *Hereford*, Duos Milites per communitatem ejuſdem Com. ad diem et locum in hoc breui content. ad faciend. quod Breve exigit; et manucapti ſunt prout patet in *Cedula* huic brevi annexa: wherein there are four manucaptors for either of them returned.

Iohannes de Weſtret de Hereford, Simon Walle de eadem electi ſunt duos Burgenſes per Communitatem Burgenſium *Hereford* in forma prædicta; et manucapti ſunt, prout patet in dicta *Cedula* huic brevi conſuta: having each 4. manucaptors, all of *Hereford*.

Nulla eſt Civitas, nec plures Burgi in dicto Com. exiſtunt.

17 *Roteland.*

Per iſtud Breve elegi per communitatem totius Com. duos Milites, ſcil. Johannem de Folevill, et Willielmum de Bercks. *qui manucapti ſunt eſſendi apud* Ebor. *ad diem in brevi nominatum: & ſunt Manucaptores*, 3 for each there liſted.

Nulla eſt Civitas nec Burgus in Balliva mea.

18 *Weſtmerland.*

Nomina Militum electorum pro Communitate Com. Weſtmerl. *Thomas de Derewenwater* electus eſt, et manucaptus per 2. *Rogerus de Burton*, manucaptus per 2. there named.

De Civibus nichil, quia nulli Cives ſunt in Com. prædicto.

Nomina Burgenſium, 2. there returned for *Apelby*; who had two manucaptors for each.

19 *Wyltes.*

Reſponſum iſtius Brevis eſt in quodam panello huic Brevi attechiato.

VVillus: de Cotes Miles, electus pro Communitate Com: manucaptus eſt, veniend. ad diem infra content.

per

per 2. *Iohannes de Grynſtede* Miles, electus eſt pro eadem Communitate, manucaptus per two there named.

Cives 2. pro Civitate *Novæ Sarum* electi, manucapt. veniend. per two manucaptors for each.

Burgenſes 2. pro Burgo de *Dounton*, 2. pro Burgo de *Deviſes*, 2 pro Burgo de *Chippenham*, 2 pro Burgo de *Malmsbur.* who had two manucaptors for each therein returned.

Et retorn: fuit Conſtab. *Merleberge*, et Ballivis Libertatum de *Kalne* & *Worthe*, qui nullum inde dederunt reſponſum.

Nullus venit nec Burgus de Lanc. is endorſed on the Writ; In the *Cedule* annexed this return is made. *Eligi feci per conſenſum totius Com:* Henricum de Kyghebey, & Johannem Devias *Milites, eſſendi ad diem ut infra brevi, qui plenam et ſufficientem poteſtatem habent pro ſe et Communitate totius Com. ad faciend. prout in brevi continetur. Et ſunt manucaptores ipſius* Henrici, *veniendi ad diem ut infra* 4. and 4. for the other Knight there returned. 20. Lanc.

Nulla eſt Civitas in Com. Lanc. *Burgenſes* 2. *de* Preſton. *Burgenſes* 2. *de* Lancaſtria; who all finde 4. manucaptors for each of them there returned. 21 Lincoln.

Nomina duorum Militum electorum pro Communitate Com. Lincoln, *& eorum manucaptores.*

Manucaptores *Willi: Dyſon* Militis 4. *Joban: Marmyon* Militis 4. there named.

Nomina Civium civitatis Line. *& eorum manucaptorum*, two Citizens there returned, found each 4. manucaptors.

Nomina Burgenſium Burgi Stamfordiæ, *et eorum manucaptores*, 2. returned, who had 4. manucaptors apeece: *Grymesby*, two Burgenſes thence returned had each of them 4 manucaptors.

Nomina Militum electorum pro Communitate Com. Northumbr. *Dominus* Henricus de Dychende, *& eſt manucaptus per* 4. *Dominus* Johannis de Ogghel, *& eſt manucaptus per* 4. there named. 22. Northumbr.

Nomina Burgenſium electorum pro communitate Burgi Novi

Novi Caſtri ſuper Tynam *ſunt in Cedula huic Brevi annexa*: 2. Burgenſes are returned in the Cedule, with 4. manucaptors for either.

23. *Ebor.* *Arrayamentum hujus brevis attachiatur huic* Brevi, is indorſed on the Writ, with this Cedule, *Nomina Militum electorum pro Com.* Ebor.

Manucaptores *Iohannis Sampſon* 2

Manucaptores *Iohannis de Heſelarton* 2. there named.

Nomina Civium civitatis Ebor. *cum eorum manucapt:* 2. returned, with two ſeveral manucaptors for either.

Nomina Burgenſium de Com. *Ebor.* cum eorum manucapt. *Beverlac.* 2. *Scardeburg.* 2. *Pontefract.* 2. *Malton* 2. *Alverton* 2. Burgenſes returned from each, with two manucaptors for every of them.

24. *Suffolk.* *Nomina Militum de Com*: Suff. *Dominus* Johannes de Byckele *cujus manuc. ſunt* 2. *Dominus* Petrus de Dennarſtover, *cujus man. ſunt* 2. there named.

Nomina Burgenſium *Gyppeſwic.* 2. Nomina Burgenſium de *Dunewyco* 2. Nomina Burgenſium de *Oreford* 2, returned for either, with two manucaptors for each of them.

25. *Norff.* Nullus ven. in Burgo de *Norwico* is indorſed on the writ. In Cedula

Nomina Militum Com. *Norff.* Dominus *VVillielmus Roſtovyn*, cujus manuc. ſunt 2. Dominus *Willus de Warnny*, cujus manuc. ſunt 2.

Nomina Civium *Norwic.* 2. with two Manucaptors apeece.

Nomina Burgenſium de *Lenn*: 2. who found two manucaptors for either. Pro Burgo de *Ieremuta*, returnatum fuit iſtud Breve Ballivis de *Ieremuta* qui habent returna Brevium, et nichil inde mihi reſponderunt.

26. *Devon.* *Reſponſum eſt in panello huic* Brevi *annexo.* The Cedule annext begins thus.

Nomina Militum, Civium et Burgenſium de Comitatu Devon. *electorum pro communitate Com. predict. De aſſenſu totius communitatis* Devon. *electi ſunt duo Milites, viz.* Johannes de Umfravill, & Willielmus de Chamber-

noun

noun, *quos diſtring. eſſend. ad diem in brevi contentum; ſed* Johannes de Umfravill *nullum manucaptorem mihi mittere voluit.* Willielmus de Chambernoun *manucaptus eſt,* *per* Simonem de Hok, Johannem Richman. *Nota.*

Cives, pro Civitate *Exon.* electi ſunt Cives 2. with two manucaptors apeece.

Burgenſes; *Barnſt.* 2. *Plimpton* 2. *Sutton* 2. *Totton* 2. *Dertemouth* 2. *Aſhperton* 2. with two manucaptors for each Burgeſſe there returned.

Henricus de Blount *unus duorum Militum electus, per ſe* 27.
et communitate Com. Eſſex *manucapitus per* 6. Willielmus *Eſſex.*
de Dureem *alter Miles electus pro eodem Com. manuc. per* 6. The two Burgenſes elected *pro communitate Burgi* Colecestr. *manuc. per* 4. manucaptors for each. *Et non eſt aliqua Civitas in Ballivâ meâ, nec alter Burgus quam ſuper nominat.*

Johannes de Aunger *Mil.* & Robertus Pontrel, *Mi-* 28.
lites electi pro toto Com. Leic. *plenam poteſtatem pro eodem* Leicestr.
Com. habentes, manucapti ſunt eſſendi coram vobis ad diem in brevi content. ſecundum tenorem iſtius brevis. Et prædictus Johannes *manucap:* per two, and the others by two Manucaptors there named.

The 2. Burgenſes elected *pro villa de* Leiceſt. in forma prædict. find each two manucaptors, there returned.

Philippus de Gaytone, & Johannes *fil.* Guidonis, 29.
Milites electi de com. Warr. *plenam poteſtatem habent pro to-* Warwic.
to com. prædicto; manuc. ſunt eſſendi coram vobis ad diem in hoc brevi content. per two manucaptors apeece, *Electi* 2. *de villa de* Coventr. & 2 *Homines villæ* Warwick: each of them find two manucaptors.

Burgeſſes 2. *Electi de civ.* Roff: *quorum uterque manu-* 30.
cap. per 4. there named as their joynt manucaptors. *Kanc.*

Milites electi de com. Cant. Richus. de Scombard, & Johannes de Goſehall, *quorum uterque man. per* 4. manucaptors there liſted.

Burgenſes Civitatis Cant. 2. *quorum uterque man. per* 4. there returned.

Milites electi de Com. Cantebr. Stephanus le Meſ- 31.
ſer Cantebr.

ſer de Overſdone, Petrus de Armyngton *de eadem* ma-capt. 4. returned after them. *Burgenſes* 2. Cant. with two manucaptors for each *de eadem villa.*

32. *Hunt.* *Milites electi de* Com. Hunt. Radus. *de* Laytone, Ricut. Hotot, *man.* 4. for both. Burgenſes 2. for *Hunt:* with two manucaptors for each *ejuſdem villæ.*

33. *Cornub.* Regin: de Bevill & Thomas de Pridiex *Milites, electi ſunt per totam communitatem Com.* Cornub. *qui quidem manucapti ſunt veniend apud* Ebor. *ad diem in brevi content. et ad faciend. prout continetur in brevi:* each of them having 4. manucaptors returned over againſt their names.

Nomina Burgenſium, de Bodmin 2. *qui man. per* 4. *manucaptores. Nomina* Burgenſium de Launceſt. *qui man. per* 4. *manucaptores. Nomina Burgenſium de* Trurou. *qui manuc. ſunt per* 4. *manucapt. Nom.* Burgenſium de Helſton 2 *qui manuc. per* 4. *manucaptores* apeece, there named.

34. *Sudton.* *Reſponſio hujus Brevis patet in* Cedula *huic brevi conſuta.*

Nomina duorum Militum electorum in Com. Sutht. Hugo de Eſcote *Miles, qui manuc. per* 2. Baldewinus de Bello Monte, *qui manuc. eſt per* two there returned.

Nomina Civium civitatis Wynton. 2. with two manucaptors for each, all *de Wynton.*

Nomina Burgenſium de Burgo Sutht. 2. with two manucaptors apeece. *Nomina Burgenſ. Burgi de* Porteſmuth 2. with two manucaptors for each.

35. *Dorſet.* *In plena Com.* Dorſ. *per totam Communitatem Com. eligi feci duos Milites, & de quolibet Burgo duos Burgenſes, de diſcretioribus et ad laborandum potentioribus, ſecundum tenorem hujus brevis: Nomina continentur in Cedula huic brevi annexa. Qui quidem Milites plenam & ſufficientem poteſtatem pro ſe & communitate Com. prædict. et dicti Burgenſes pro ſe & communitate dictorum* Burgorum *diviſim ab ipſis habent. Et tam prædicti Milites, quam prædicti* Burgenſes, *manucapti ſunt veniendi coram vobis ad diem et locum in brevi contentos ad faciend. quod tunc ibidem ordinabitur, ſecundum tenorem hujus brevis, prout continetur in eadem* Cedula.

Nulla

Nulla eſt Civitas in Com. prædicto is indorſed on the Writ. In the Cedule annexed follows,

Milites Com. Dorſ. *& eorum manucaptores*, Philippus Maubanke *Miles*, with two man. Jacobus de Trowe *Miles*, with two manucaptors there nſted.

Nomina Burgenſium ejuſdem Comitatus, et eorum manucaptores, viz. de Burgo de *Brideport* 2. with two manucaptors for either. De Burgo de *Dorceſtria* 2. with two manucaptors. De Burgo de *Shafton* 2. with two manucaptors for either.

The laſt Writ in the Bundle is thus indorſed.

36 Somerſet.

In plena Com. Somerſet *per totam communitatem ejuſdem Com. eligi fecit duos Milites, et de qualibet Civitate duos Cives, et de qualibet Burgo duos Burgenſes de diſcretioribus et ad laborandum potentioribus, ſecundum tenorem hujus brevis, quorum nomina continentur in Cedula huic brevi conſuta. Qui quidem Milites plenam & ſufficientem poteſtatem, pro ſe & Communitate Com. prædict. habent, & dicti Cives pro ſe & tota Communitate dictæ Civitat. diviſim ab ipſis habent, & dicti Burgenſes pro ſe et tota communitate dictorum Burgorum diviſim ſimiliter ab ipſis habent. Et prædicti Milites, quam prædicti Cives & Burgenſes manucapti ſunt veniendi coram vobis ad diem et locum in brevi contentos, ad faciend. quod tunc ibidem ordinabitur, ſecundum tenorem hujus brevis, prout continetur in prædicta Cedula*; which follows in this form.

Nomina Militum Com. Somerſet *et eorum manucaptores*, Robertus de Brent *Miles*, Johannes de Wyk *Miles* To whoſe names he returns ſeverally, *manucaptus eſt per* two there named.

Nomina Civium Civitatis Bathon. *& eorum manucaptores*; Henricus Baton, & Thomas le Meſſeer, who have 2. manucaptors apeece.

Nomina Burgenſium ejuſdem Com. de Burgo Taunton, 2. with two manucaptors for each; *De* Burgo de Briges Walteri 2. with two manucaptors; *De* Burgo de Welles 2. with two manucaptors; *De* Burgo de Ivelceſter 2. with two manucaptors; *De* Burgo de Milleburne

burne-port 2. with two manucaptors apeece.

The Writt to the Sheriff of *Hertford* and the return thereof, is wanting in this *Bundle*, and I have here for brevitie, left out the names of moſt Citizens and Burgeſſes returned, with their manucaptors names.

It is obſervable, from theſe Writs iſſued to the Sheriffs, 1, That there is no mention at all of the Biſhops, Abbots, or Clergie ſummoned to this Convention at *Yorke*, touching any Conference or Treaty there to be held with them; but only *cum Comitibus, Baronibus & Proceribus regni noſtri*; who were only ſummoned thither (as this writ imports) the Clergy being then in a * *Præmunire*, and under the Kings diſpleaſure, as I conceive. 2. That the *Earls, Barons, and Nobles of the Realm*, were the only perſons ſummoned, *Nobiſcum locuturi, & ſuper prædictis negotiis tractaturi*: And the Knights, Citizens, and Burgeſſes elected, required, and impowred only, *ad faciend: quod tunc de communi Conſilio ordinabitur in præmiſſis*: which full and ſufficient power they were every of them to receive for themſelves and the whole Commonalties who elected them, from the ſaid reſpective Commonalties, by vertue of the Kings writ. 3ly. That the want of ſuch a full and ſufficient power, might hinder and diſappoint the execution of ſuch buſineſſes as were there appointed and ordained by common conſent of the King and Lords. 4ly. That the word *Parliamentum* is not uſed in any of theſe writs. 5ly. That there is no Writ in this Bundle to the Conſtable of *Dover*, and Warden of the *Cinque-ports*, for electing any Barons for thoſe Ports, nor any returns made of them. 6ly. That the City of *London* had then a particular Writ directed to the Sheriffs thereof for the election only of two Citizens, and no more.

* See Regiſter part 1. p. 8. 113. to 126, Mat. Weſtm. pars 2. p. 407, 408. Tho. Walſingham, Hiſt. Angl. p. 34, 35, 36,

I ſhall obſerve alſo from the Sheriffs returns of theſe writs, 1. That the *Knights* in every ſhire were elected in the full County, by and for the whole County; from whom they received full and ſufficient power,

ad

ad faciend. quod tunc ordinabitur ſecundum tenorem hujus brevis: and that the *Citizens* and *Burgeſſes* were then elected and impowred by the reſpective Commonalties of the Cities and Burroughs for whom they ſerved. 2. That all the Sheriffs did then exact and receive from every *Knight*, *Citizen*, *Burgeſſe* thus elected and returned, ſpecial *manucaptors* for his appearing at the day and place appointed by the writ, whoſe names they returned; ſome of them requiring, & they putting in 6. others 4. moſt of them two manucaptors apeece of good qualitie, for their appearing; though the writs particularly enjoyned them not to take any manucaptors from them. And that by vertue only of this geueral clauſe in the writs: *Et eos ad nos ad prædictos diem et locum venire facias*: it being the **uſual legal way* to cauſe them to repair to the King and Parliament at the day & uſual place prefixed (in other writs) which practice afterwards continued; there being manucaptors returnd & found by moſt Knights, Citizens, Burgeſſes, that I hav ſeen, after the reign of King *Edw.* the 1. & 2. till 12 E. 4. though many had none in later times 3. That of all the Knights, Citizens and Burgeſſes elected and returned this year, one or two of them only refuſed to finde manucaptors; to wit, *John de Umfravill* choſen one of the Knights for *Devon*, which the Sheriff ſpecially returns: And Sir *William Rous* one of the knights for *Bedfordſhire*, as it ſeems, whom the Sheriff thereupon diſtrained, *per octo boves et quatuor afros veniend. coram vobis ad diem in brevi*: 4ly. That the Sheriffs returns are various and different in their forms, ſome more general, & brief, ſome more full and punctual according to the contents of the writ; ſome with Cedules annexed, others on the dorſe of the writs, yet all accepted as ſufficient, and legal. 5ly. That ſome Counties in after times, & at this day, have many more Boroughs, ſending 2. Burgeſſes apeece to Parliaments than they had in 26 E. 1 by new Charters ſince purchaſed, as appears by comparing theſe returns with thoſe

* See Brooke, Fitzherbert, & Aſh. Title, Mainpriſe.

of later and preſent times. 6ly. That ſuch Cities and Boroughs who had returns of writs, made their own returns of their Citizens and Burgeſſes elected, with their manucaptors to the Sheriffs: and that ſuch of them who made no elections nor returns upon the writs, were returned as deſaltes by the Sheriffs. 7ly. That *Briſtoll* was within the County of *Glouceſter*, and its Burgeſſes and manucaptors returned amongſt others of that County, till afterwards made a County within it ſelf. 8ly. That *Bath* in 26 E. 1. was a City, and elected two Citizens, with manucaptors; and *Wells*, then only a Borough, electing and returning two Burgeſſes. 9ly. That ſome of the Knights returned have the word *Dominus* prefixed before, not following after their names, which ſhews they were only titular, not real Lords, perchance the ſons of Lords, which are ſo ſtiled.

As none of the writs to the Sheriffs are entred in the *Clauſe Roll* of 26 E. 1. ſo I finde no other writ of Summons to the Spiritual or Temporal Lords regiſtred therein, but only this to the Archbiſhop of *York*, which I omitted in the firſt Section, and ſhall here inſert.

De Conſilio ſommonito.

Clauſ. 26 E. 1. d. 12. *Rex Ven. in Chriſto Patri* W. *eadem gratia Archiep.* Ebor. *ſalutem. Quia ſuper quibuſdam arduis negotiis Nos et ſtatum Regni noſtri tangentibus, Vobiſcum habere volumus Colloquium et Tractatum; Vobis mandamus in fide et dilectione quibus Nobis tenemini firmiter injungentes, quod ad Nos uſque* Weſtm. *perſonaliter accedatis. Ita quod omnibus modis ſitis ibidem die Dominica in* Ramis Palmarum *prox. futur. ad ultimum, ſuper dictis negotiis locuturi et etiam tractaturi. Et hoc nullo modo omittatis. Teſte Rege apud* Sandwycum 15 *die Martii.*

Conſimiles literæ diriguntur ſubſcriptis, viz. Sc. London Epiſcopo, *Magiſtro* Roberto de *Radeſwell*, Archidiac. Geſtr. and 20 others of the Kings *Counſil*, without any other Spiritual or Temporal Lords.

In 27 E. 1. I finde a writ iſſued to the Archbiſhop of *Canterbury*, with a *De Parliamento tenendo* in the margin

margin of the Roll, though the writ and Poſtſcript declare it to be but a private Counſil; which I have already preſented you with, *Part* 1. *p.* 10, 11. there being very few Spiritual and Temporal Lords, nor any Knights, Citizens or Burgeſſes ſummoned thereunto.

In 28 E. 1. there iſſued two ſeveral forms of writs to all Sheriffs, for electing Knights, Citizens and Burgeſſes for two ſeveral Parliaments, held that year at *London*, and *Lincoln*, moſt of which Original writs, with their ſeveral returns, are yet extant in the *Bundle* of them in the Tower, and likewiſe both of them recorded one after the other in *Clauſ.* 28 E. 1. *mem:* 16. *dorſo.*

8 *Rex Vic. Lincoln. ſalutem. Quia ad ſalvationem Corone noſtre, et communem utilitatem populi Regni noſtri Secunda die Dominica Quadrageſime prox. futur. London. Parliamentum tenere, et cum Prelatis, Magnatibus & Proceribus ejuſdem Regni ſuper negotiis Nos et idem Regnum contingentibus ſpeciale Colloquium habere volumus et tractatum; Tibi precipimus firmiter injungentes, quod de Com. predicto duos Milites, &c. Ita quod, &c.* (juſt as before, m. 13. E. 1. d. 4.) *T. Rege apud Berewicum ſuper Twed, 29. die Decembr.*

Conſimiles littere dirigantur ſingulis Vicecomitibus per Angliam.

The other writ (extraordinary and remarkable) is entred in *Cl.* 28 *E.* 1. m. 3. *dorſo.* The Original writs then iſſued remain in the Bundle of writs of this year, with the returns annexed.

9 *Rex Vic. Cumbr. ſalutem. Cum nuper pro communi utilitate populi Regni noſtri conceſſerimus,* quod Charta de Foreſta in ſingulis ſuis articulis firmiter obſervaretur, aſſignando quoſdam de fidelibus noſtris in ſingulis Com. ejuſdē Regni in quibus Foreſte noſtre exiſtunt ad perambulationem in eiſdem Foreſtis faciend. Ita quod perambulationem illam diſtinctè et aperte factam ad Nos, antequam aliqua executio, vel aliquod aliud inde fieret reportarent; et quod Juramentum noſtrum, jus

De Militibus, Civibus & Burgenſibus mittend. ad Parliamentum Regis.

jus Coronæ Angliæ, rationes et calumpniæ noſtræ, necnon jus, rationes et calumpniæ aliorum omnium ſalva ſorent. *Nos licet dilecti et fideles noſtri nunc primò ad Nos detulerunt* * *quod fecerint in negotiis memoratis; quia tamen* Prælati, Comites, Barones, & cæteri Magnates *dicti Regni, in quorum præſentia noſtras et aliorum preponi & audiri volumus rationes, et de quorum Conſilio in eodem negotio, prout alias diximus, intendimus operari;* Maxime cum ipſi ad obſervand. et manutenend. Jura Regni et Coronæ noſtræ prædictæ una Nobiſcum Juramenti vi cu'o ſint aſtricti, *juxta latus noſtrum tunc temporis non fuerunt: ac pro eo ſimiliter quod illi qui ſuas rationes quatenus illud negotium illos tangit proponere debeant, inde præmuniti non erant, eidem negotio ſine ipſorum conſilio finem imponere non potuimus bono modo. Et quia negotium illud quantum poſſumus cupimus maturari, ita quod per Nos non fiet abſque ulterioris dilationis incommodo effectum debitum ſorciatur;* **Volentes** cùm Prælatis, Comitibus, Baronibus & Magnatibus *ſupradictis, ac* **cum aliis de Communitate dicti regni,** *ſuper hoc, et quibuſdam aliis arduis Negotiis Nos et ſtatum regni prædicti tangentibus habere Colloquium et Tractatum. Tibi præcipimus firmiter injungentes, quod venire facias coram Nobis ad* Parliamentum noſtrum *apud* Lincoln. *in Octab. Sancti* Hillarii *prox. futur.* **Duos Milites** *de Balliva tua;* **Illos videlicet, qui pro communitate Com. prædicti ad Parliamentum noſtrum ultimo præteritum per Præceptum noſtrum venerant:** *& etiam de qualibet Civitate infra Ballivam tuam* **eoſdem Cives,** *& de quolibet Burgo* **eoſdem Burgenſes qui ad prædictum Parliamentum noſtrum alias ſic venerant.** *Et ſi forte aliquis* Militum, Civium, *aut* Burgenſium *prædictorum* **mortuus fuerit, aut infirmus,** *per quod ad dictos diem et locum* **venire nequerint, tunc loco illius mortui, aut infirmi, unum alium idoneum ad hoc eligi, et ad dictum Parliamentum noſtrum venire facias.** *Ita quod* Milites, Cives & Burgenſes *prædicti dictis die et loco modis omnibus interſint* **cum plena poteſtate Audiendi et Faciendi ea quæ ibidem in præmiſſis**

*quid fecerunt

præmissis ordinari contingat pro Communi commodo dicti Regni. Et eisdem Militibus de Communitate Com. prædicti, et Civibus de Civitatibus, et Burgensibus de Burgis prædictis, Rationabiles expensas suas habere facias in Veniendo ad Parliamentum nostrum, ibidem Morando, et etiam Redeundo. *Tibi insuper præcipimus sicut prius, quod per totam Ballivam tuam sine dilatione publice proclamari fac.* Quod omnes illi qui terras aut tenementa habeant infra metas Forestæ nostræ in Balliva tua, & qui Perambulationem in aliquo calumpniari voluerint, quod sint coram Nobis in Parliamento nostro prædicto ostensur. in hac parte rationes suas et Calumpnias si quas habent. *Et habeas ibi nomina* Militum, Civium, *&* Burgensium, *et hoc breve. T. Rege apud le* Rose 26 die Septembris.

Consimiles literæ diriguntur Vic. subscriptis in quorum Com. Forestæ existunt, *Viz.*

Westmerl.	Surr.	Hereford
Eborum.	Southt.	Roteland
Notingham	Wiltes.	Oxon.
Derby	Somerset	Salop.
Northampt.	Dorset	Stafford.
Bucks.	Devon.	Warr.
Hunt.	Glouc.	
Essex	Wigorn.	

Rex Vic. Lincoln. *salutem. Cum nuper pro Communi utilitate, &c.* ut supra usque ibi, *pro communi commodo dicti Regni. Et habeas ibi nomina prædictorum Militum, Civium et Burgensium, et hoc breve. T. ut supra.*

Eodem modo mandatum est Vic. subscriptis, in quorum Com. non sunt Forestæ.

Norff.	Kent	Northumbr.
Suff.	Sussex	Cumbr.
Cantebr.	Middlesex	Lancastr.
Bedf.	Leicestr.	Hertford.

These

These Writs are thus variously returned by the Sheriffs.

1 *Cantebrigg.* *Alenus de Fraunceyes* manucapitur per 2. *Thomas de Scalarii* manucapitur per 2. Burgenſes 2. *Cant.* with two manucaptors for either.

2 *Lincoln.* Nomina Militum de Com. *Lincoln.* duorum Civium de quolibet Civitate, et duorum Burgenſium de quolibet Burgo infra Com. prædictum, *viz.* eorum qui ad Parliamentum ultimò præceptum venerunt, et ſecuritatem quam michi fecerunt ad veniend. ad Parliamentum nunc teniend. patent in ſequenti. Man. *Thome* fil. *Euſtachii*, unius Militis Com. prædicti 4. there returned after his name: Man. *Thome de Burnham* alterius Militis, 4. there liſted. Man. *Stephani de Cranham*, unius Civis civitatis *Lincoln* 4. Man. *Willi Cauſe* alterius Civ. 4. all de *Lincoln.* Man. unius Burgenſium de *Grymsby* 4. alterius Burgenſis 4. there named.

3 *Hertford* Nomina Militum Com. *Hertford*, *Rogerus de Patemer* with two manucaptors. *Willus le Galle* 2. manucaptors. Burgenſes Villæ *Hertford* 2. Burgenſes, villæ de Sancto *Albano.* 2. with two manucaptors for every of them.

4. *Kanc.* *Warerus de Valoignes* Miles, qui ad Parliamentum ultimo præteritum extitit pro communitate Com. *Kantiæ*, manucaptus eſt quod ſit ad diem et locum in hoc brevi contentum per 4. there named. *Richardus de Scolande*, Miles, qui pro communitate Com. *Cantiæ*, extitit ad Parliamentum ultimo præteritum, *mortuus eſt*; in loco ejus per communitatem Com. *Cantiæ*, *Henricus de Apeldrefeld* electus eſt; manucaptus eſt quod ſit ad diem et locum in brevi content. per 4. *Johannes de Sancto Dionyſio* unus Civium de civitate *Roff.* manucaptus eſt per 4. *Robertus de Bettleſcombe*, unus Civium de civit. *Roff.* manucapitur per 4. there liſted. De Civibus Civ. *Cantuar*, retornat. fuit iſtud Breve Ballivis Libertatis ejuſdem civitatis, qui nichil reſpondent.

Executio iſtius Brevis patet in Cedula huic brevi attach.

5 *Suff.* Milites electi: Petrus de Dennardeſton *nunc electus*

eſt

eſt loco *Johannis de Bisbake*, qui infirmus eſt; qui manucaptus eſt per 2. *Johannis de Peyton* manuc. eſt per 2.

Burgenſes electi *Gippewic.* ſſ. 2. *Donewic.* 2. with two manucaptors for every of them.

Executio iſtius Brevis patet in Cedula huic brevi attach:

Milites electi, *Ricus. de Walſingham* manucaptus eſt per 2. *Robertus de Hengham* per 2. 6 *Norff.*

Cives electi, *Norwicum* 2. with two manucaptors for each.

Burgenſes electi, *Jernem.* 2. *Lenn.* 2. with two ſeveral manucaptors.

Iohannes de Mandeville et *Johannes de Folevill* Milites, qui ad Parliamentum prox. præteritum manucapti, &c. per two manucaptors for either. Burgenſes villæ de *Leyceſtr.* 2. man. per two manucaptors there returned: *Et omnes ſupradicti plenam habent poteſtatem ſecundum tenorem iſtius brevis.* 7. *Leiceſtr.*

Milites electi ſſ. *Iohannes Perceval de Samoy*, &c. manuc. per two there liſted: Et idem *Iohannis* fuit ad Parliamentum prox. præteritum. ſſ. *Iohannes de Clyntone*, de Makſtoke, *electus eſt nunc loco* Philippi de Payton, eo quod idem *Philippus* eſt nunc Vicecomes *Warr.* & *Leic.* et prædictus *Iohannes* manuc. eſt per two there named. 8 *Warwic.* *Nota.*

Burgenſes Villæ *Warr.* 2. Burgenſes Villæ *Coventr.* 2. with two manucaptors apeece.

Omnes ſupradicti plenam habent poteſtatem, ſecundum tenorem brevis.

Proclamatio publicè & ſolenniter facta eſt ſecundum tenorem brevis prædicti.

Manucapt. *Iohannis de Elſefeld* Militis, qui prius fuit ad Parliamentum prout in brevi content. 2 manucapt. *Ioan: de Pratellis* alterius Militis, 2. there returned. 9. *Oxon.*

Burg. Villæ *Oxon* 2. with two diſtinct manucaptors for either.

Nulla eſt Civitas nec aliqua Burgus præter prædict. Burgum Oxon. *in Com.* Oxon.

Publicè proclamari feci per totam Ballivam meam, quod omnes illi qui habent terras infra metas Foreſtæ et perambulationem voluerint calumpniari, ſint ad diem et locum contentos in brevi, prout in eodem præcipitur.

Et quia Com. *Berk* eſt in Balliva mea, licet *Perambulatio* in eodem facta fuit et obſervata, pro eo quod in iſto Brevi continetur, *quod Colloquium in Parliamento tractandum erit ſuper aliis negotiis præfatum Regem tangentibus*; Ideo gratis eligerunt duos Milites, quorum nomina ſi contingat aliquid de eis fieri, ſunt hæc, *Iohannis de Hues, & Rogerus de Burghfeld.*

10 Ebor. Nomina Militum pro Communitate Com. *Ebor* cum manucapt. eorum.

Man. *Roberti de Balliolo* Militis 2. man: *Petri Becard* Militis 2. there liſted.

Nomina *Civium* de civitate *Ebor.* cum cor. manuc. 2. there named, with two ſeveral manucaptors.

Nomina Burgenſium de Burgo de *Scardeburg.* 2. with two manucaptors.

Et Proclamari feci per totam Ballivam meam, tàm infra libertates quàm extra, quod omnes illi qui terras aut tenementa habent infra metas Foreſtæ Domini Regis ſint ad Parliamentum prout breve exigit.

11 Eſſex. Nomina Militum Com. *Eſſex*: *Ricardus le Fyſhere* de Hatſend, *Willus*: *le Fiſhere* de eadem. Manuc. *Iohannem de Fillol.* Militem. *Ricardus Clericus* de Maden, *Robertus de Thapſtede* manuc. *Hugonem le Blunt* Militem.

Nomina Burgenſium villæ *Coleceſtr.* 2 with two manucaptors for each.

Proclamari feci per totam Ballivam meam, prout præcipitur.

12 Surr: *Iohannes de Hamnes*, unus Miles electus pro communitate Com. *Surr.* manuc. eſt per 2. ven. ad diem. *Iohannes de Burſtowe*, per 2.

Burgus de *Bletchyngleigh* 2. Burgus de *Guldeford* 2. Burgus de *Sutbwerke* 2. Burgus de *Ryegate* 2. with two manucaptors for each.

13 Sutbton. Manuc. *Hugh de Eſcote* Militis 2. manuc. *Baldwini de Bello Alneto.* 2.

Bur-

Burgenſes de *Perieſmue*. 2. Burgenſes de *Overſme* 2. Burgenſes de *Alresford* 2. Cives *Wynton* 2. with two manucaptors for every of them.

Pro Burgenſibus villæ *Sanct. Andr. Inſulæ Odeham* & *Baſinggeſtoke*, breve iſtud retornatum fuit Ballivis Libertatum *Sanct.* qui nullum inde michi dederunt reſponſum. *Et vobis ſignifico, quod proclamari feci quod in brevi præcipitur, ſecundum tenorem ejuſdem brevis.*

Nomina Mil. electorum per Com. *Wygorn*, qui manucapti ſunt veniend. ad Parliamentum ad diem in hoc brevi nominatum 14 *Wigorn.*

Man. *Roberti de Bracy* 2. Man. *Simonis de Crombe* 2.

Nomina *Civium* eodem modo electorum pro Communitate civitatis *Wygorn.* 2. with two ſeveral manucaptors.

Nomina Burgenſ. de *Wych* eodem modo electorum, 2. with two diſtinct manucaptors.

Eligi in pleno Com. *Glouc.* feci loco unius Militis gravi infirmitate detentus, alium Militem nomine *Rici* de *Creupes*, per aſſenſum ipſius Comitatus: Sic enim habetis duos Milites Com. illius, videlicet, *Iohannem de Alton* in libertate Comitis *Glouc.* de *Thornbury* commorantem, et prædictum *Ricardum* in libertate Abbatis *Cyrenc.* ſic converſantem; pro quibus vero Militibus retornatum fuit iſtud breve Ballivis prædictarum libertatum, qui habent returnum omnium brevium prædictis Militibus et eorum expenſis, juxta tenorem brevis. Prædictus tamen Ballivus de *Thornbury* mihi reſpondet de manucapt. prædict. *Iohannis* ſubſcriptis de expenſis vero exactis eorundem Militum Ballivus fuit nil michi reſpondet. Ballivus etiam prædictæ libertatis *Cirencestr.* de executione dicti *Rici* Militis et eorum expenſis nullum mihi dedit reſponſum. Ideo de execut. ipſius *Rici* ac eorum expenſis nihil agere potui. Nec idem *Ricus* Miles, aliquid habet in Com. *Glouc.* extra libertatem prædictam per quod poteſt diſtringi. 15 *Glouc.*

Manucaptores *Iohannis de Alton*, Militis, two there named.

De expenſis inſuper prædictorum Militum juxta mandatum veſtrum alibi in Com. prædicto levandis, retornatum fuit iſtud breve. tam Ballivis libertatum de *Henebury*, *Glideſlow*, *Sancti Brionelli*, *Byſele Fiſcamp* et *Weſtlow*. qui habent retornum omnium brevium, qui de expenſis illis nichil michi reſpondent. Et etiam Ballivis libertatis de *Poukelechirche* et *Teukeſbury*, qui ſimiliter habent returnū omnium brevium, quod partem expenſarū pro portione ſua ipſos contingentes michi perſolverunt, et partem illius nequaquam. de qua quidem alia parte michi non reſpond: quoniam præceptum fuit aliis Ballivis de Gildabulis, quod omni feſtinatione expenſas pro portione ſua celeriter levarent, de quibus poſtea partem illarum expenſarum de eodem Gildabul. recepi: et *Iohanni de Action* prædicto in partem ſolutionis expenſarum ſuarum verſus partes *Lincolniæ*, liberavi et ſic major pars illarum expenſarum tam de prædictis libertatibus quam de gildabulo adhuc reſtat. levand.

Cæterum Domine retornatum fuit breve iſtud pro Burgenſ. *Briſtoll*, et Burgenſ. *Glouc*, Ballivis libertatum Burgorum prædictorū, qui habent returnum omnium Brevium, qui mihi reſpondent, *quod executi ſunt præceptum veſtrum in omnibus juxta tenorem*, et quod Burgenſ. ſui, Burgorum ſuorum prædictorum, manucapti ſunt per manucaptores ſubſcriptis.

Manucaptores *Ioban: de Malmesb.* de *Briſtol*, 2. de *Briſtol*.

Publicè proclamari feci per totam Ballivam meam, quod omnes illi qui terras et ten: habent infra metas Foreſtæ *et qui perambulationem illam in aliquo calumpniari voluerint, quod ſint ad Parliamentum, oſtenſuri rationes et calumpnias ſi quas habent.*

Hugo de Chaſtiloun Miles, qui pro Communitate com. *Bucks.* ad Parliamentum ultimo præteritum, venit. manuc. per 4. *Robertus Pogers* Miles, qui ad Parliamentum ultimo præteritum venit *infirmus eſt*. In loco ipſius *Roberti*, *Gerardus de Braybroke* Miles electus eſt, et manucapitur per 4 there returned. Burgenſes 2. de *Agmundeſham*, qui ad ultimum Parliamentum venerunt: manuc.

16 *Bucks.*

per

per 4. manucaptors for either. *Iohannes de la Lude* Burgenſis *Wycombe*, electus eſt loco *Stephani Ayet*, qui fuit ad ultimum Parliamentum, pro eo quod idem *Stephanus* infirmus eſt: manuc. per 4. *Thomas de Tailleur* alter Burgenſis de *Wycombe*, qui ad ultimum Parliamentum venit manuc. per 4. Burgenſes de *Wendover* (two there named) *qui ad ultimum Parliamentum ven. manuc. per* 4. manucaptors apeece there returned.

Nomina Militum, Civium et Burgenſium electorum veniendi ad Parliamentum ſecundum contentum brevis. 17 *Devon.*

Quia *Reginaldus de Ferrers* et *Robertus Beaupell* Milites, qui alias fuerunt ad Parliamentum per electionem Com. *non ſunt potentes ad laborand. ad præſens*, electi ſunt loco eorum *Henricus de Ralegh* & *Nicholaus de Kyrkton*; who found 4 manucaptors apeece there returned.

Nomina Civium *Exon. Henry de Bokwell, Iohannis Fartheyn* loco *Nicholai Page* qui impotens eſt. Pro Burgo *Totton* 2. Pro Burgo de *Okempton* 2. Pro Burgo de *Lydeford* 2. Pro Burgo de *Barnaſtaple* 2. Pro Burgo *Honeton* 2. without manucaptors returned.

Milites Com. *Hereford* manucaptores *Rici de Barker* 18 Mil. 2. man. *Johannis de Acton* 2. Cives *Hereford* 2. with *Hereford.* two manucaptors for each. Burgenſes *Leominſter* 2. Burgenſes *Webeleye* 2. with two manucaptors apeece.

Et Proclamari feci prout in brevi continetur.

Milites Com. *Salop. Thomas de Rochdale* Miles, manuc. eſt per 2. *Petrus de Syton* Miles manuc. eſt per 2. *Salop.* Burgenſes *Salop* 2. Burgenſes de *Bruges*, 2. manuc. per two manucaptors each man. 19

Milites de Com. *Dorſ.* man. *Philippi Maunbanke* 2. manuc. *Henrici Conore* 2. Burgenſes de *Bridéport* 2. *Dorſet.* with two manucaptors for either; Burgenſ. de *Dorceſt.* 2. with two manucaptors apeece. 20.

Publice proclamari feci per totam Ballivam meam, quod omnes illi qui terras et ten. habent infra metas Foreſtæ Dom: Regis in Ballivâ meâ qui Perambulationem in aliquo calumniari voluerint, quod ſint ad diem et locum in brevi iſto content. oſtenſuri rationes ſuas et calumpnias ſi quas habent, ſecundum formam hujus brevis. Milites

21 *Somerſ.* Milites de Com. *Somerſet* manucaptores *Willi de Bere* Militis 2. man. *Hugonis de Popham* Militis 2.

Civitas *Bathon:* manuc. *Willi Leken* 2. manuc *Petri le Wenetour* 2. de *Bathon.*

Burgus de *Milcburn* 2. Burgus de *Brigwater* 2. Burgus *Taunton* 2. with two manucaptors for every Burgeſs.

Publice proclamari feci per totam Ballivam meam, quod omnes illi qui terras & tenem. habent infra metas Foreſtæ Domini Regis in Balliva mea prædicta, et qui Perambulationem in aliquo calumpniari voluerint. quod ſint ad diem & locum in iſto brevi content. oſtenſuri rationes ſuas et calumpnias ſi quas habent ſecundum formam iſtius Brevis.

Reſponſum iſtius Brevis eſt in Panello huic Brevi attachiato.

22. *Wylts.* *Nomina Militum Com: Wyltes, ſimul cum nominibus Civium et Burgenſium elect. pro Communitate Civitatum & Burgorum.*

Duo Milites; *Petrus filius Warini*, manuc. eſt veniendi per 2. *Willus de Cotes*, manuc. eſt eodem modo per 2.

Cives *Sarum*, *Iohannes de Braundeſtone* manuc. per 2. *Walterus Goer* manuc. eſt per two.

Burgenſes de *Downe* 2. Burgenſes de *Malmeſbury* 2. Burgenſes de *Chypenham* 2. Burgenſes de *Kalne* 2. Burgenſes de *Wylton* 2. Burgenſes de *Devyſes* 2. Burgenſes de *Merleberge* 2. Burgenſes de ——— (torn out of the writ, yet moſt likely *Lurdgeſhall*, by the manucaptors) they all having two ſeveral manucaptors; Et Proclamatio facta eſt ſecundum formam in brevi Regis contentam publice infra Ballivam meam.

23. *Stafford* Milites Com. *Stafford. Radus Baſſet* de *Sapecote* manuc. eſt per two. *Henr. Marneyſin.* manucapt. eſt per two manucaptors. Burgenſes de *Stafford* two, with two Manucaptors apeece.

24. *Roteland.* Plegii *Willielmi de Blount* 2. Pleg. *Iohannis de Foleville* 2.

Publice proclamari feci per totam Ballivam meam, quod omnes illi qui terras et tenem. habent infra metas Foreſtæ Domini

mini Regis in Balliva mea, et qui Perambulationem in aliquo calumpniare volunt, quod ſint in Parliamento ſuo apud Lincoln. *oſtenſur. in hac parte rationes et calumpnias ſi quas habent.*

Manucapt. *Iohannis de Den* 2. manuc. *Roberti de Gaybouſe* 2. manuc. Burgenſ. *Hunt.* 2. having both two manucaptors apeece. 25. *Huntingdon.*

Nomina Militum, manuc: *Hugonis Wake* 2. manuc. *Iohannis Den.* 2. Nomina Burgenſ. *Northton* 2. with two manucaptors for each: with a *Publice proclamari feci, &c.* as in former returns. 26 *Northampt:*

Radus: de Frecheuyle & *Galfridus de Greſtye* Milites, fuerunt ad ultimum Parliamentum veſtrum pro Communitate Com. *Derby*; et modo man: ſunt de eſſend. coram vobis apud *Lincoln*, ſecundam tenorem brevis, viz. *Radus de Frecheuyle*; &c. man. per two apeece. 27. *Derby*

Burgenſes de *Derby* 2. man: per two apeece; *ut ſupra.*

Ranulphus de Wandesby, & *Willus de Chadworth* Milites, ad ultimum Parliamentum pro Communitate Com. *Not.* man. ſunt eſſendi coram vobis apud *Lincoln.* per two man. apeece. 28. *Notingh.*

Burgenſes 2. pro *Notingh.* with two manuc.

Nomina Militum elect: per Com: *Hugh de Louther*, & *Roberti de Waſheton*, with two man: apeece. 29. *Weſtmerland.*

Nomina Burg: de *Appleby* 2. with two manucaptors.

The return is torn and unlegible, together with the moſt of the writ. 30. *Cumberland.*

The Writs to the Sheriffs of 4 Counties mentioned in the Clauſe Rolls, and their returns are miſſing in this Bundle, and there is no mention at all in the roll of any Writs then iſſued to the Sheriffs of *Cornwall*, or *London*, nor any ſuch writs to them in the Bundle, whatever was the reaſon of this omiſſion.

I have for brevity recited only the names of the Knights for theſe Counties, omitting the names of the Citizens, Burgeſſes and Manucaptors for the moſt part;

part; which thoſe who pleaſe may peruſe in the returns.

In this Parliament of 28 E. 1. the Great Charter of the liberties of *England* and the *Foreſt*, were ſpecially confirmed; and not only ſeveral writs iſſued to Sheriffs through all Counties of *England* for their *reading, publiſhing, and due obſervation*, recorded in the *Cl. Roll* of 28 E. 1. d. 7, 8. but likewiſe certain Knights or other Freeholders were publikely elected by the Sheriff, Coroners and Commonalty of every County throughout *England*, for the puniſhing of all Treſpaſſes and Offences committed againſt the ſame, by ſpecial Patents iſſued to them by the King and his Counſil; whom they were perſonally to attend concerning the ſame; as is apparent by theſe two memorable writs, not hitherto taken notice of by any to my knowledge, and not improper for this Section being grounded on the printed Statute of 28 E. 1. ch. 1.

* See Cooks 2 Inſtit. p. 540.

De Militibus mittendis uſq; *Ebor.* pro Magna Carta & Carta de Foreſta.

Rex Vic. *Lincoln.* et Coronatoribus et Communitati ejuſdem Com. ſalutem. Quia propter communem utilitatem Prælatorum, Procerum et Magnatum ac populi regni noſtri conceſſimus pro Nobis et hæredibus noſtris, quod **Magna Charta** de Libertatibus Angliæ et **Carta de Foreſta** in ſingulis ſuis Articulis de cætero teneantur et firmiter obſerventur: Vobis mandamus, quod tres Milites, vel alios tres de probioribus, legalioribus et diſcretioribus liberis hominibus Com. prædicti de aſſenſu ejuſdem Com: ſine dilatione eligi, et eos uſque *Ebor*: venire faciatis. Ita quod ſint ibidem in Craſtino Aſcenſionis Domini coram Nobis vel Conſilio noſtro, ad faciend. et exequend. ea quæ tunc eis ibidem injungetur ex parte noſtra pro obſervatione **Cartarum prædictarum**: et habeatis ibi nomina prædictorum Militum vel liberor. hominum et hoc breve. Teſte Rege apud Weſtm. 26. die Martii.

Conſimiles literæ diriguntur ſingulis Vic. & Coronatoribus et Communitatibus ſingulorum Comitat. per Angliam.

Clauſ

Clauſ. 28 E. 1. d. 7. Rex Vic. *Norbi.* ſalutem. Quia *Philippus de Geyton* unus illorum de Balliva tua quos nuper de ſpeciali præcepto noſtro de tuo et Coronatorum ac Communitatis Comitatus prædicti communi aſſenſu eligi, et uſque *Eborum* in Craſtino Aſcenſionis Domini venire feciſti, ad facienda et exequenda ea quæ eis ibidem injungerentur ex parte noſtra * pro obſervationibus magnæ Cartæ de Libertatibus Angliæ et Cartæ ſimiliter de Foreſta, electus eſt in Com. *Warr.* & per Nos una cum quibuſdam aliis fidelibus noſtris de eodem Com. aſſignatus ad Tranſgreſſiones quas contra tenores prædictarum Cartarum ibidem fieri contingat, audiend. et terminand. per quod ad præmiſſa facienda in Com. tuo prout erat electus, nequit intendere quoquo modo: Tibi præcipimus, quod loco ipſius *Philippi* de aſſenſu Coronatorum et Communitatis Comitatus tui prædicti; eligi facias unum alium de probioribus, legalioribus et diſcretioribus ejuſdem Comitatus, qui ad hoc in eodem Com. tuo una cum ipſis ad hoc ibidem electis, et coram nobis juratis intendat, juxta formam poteſtatis ipſis electis, et ſibi per Nos tradendæ. Et cum eum ſic eligi feceris Nobis de ipſius nomine conſtare facias ſine mora, ut tunc dictis electis et ſibi literas noſtras Patentes de poteſtate ſua in hac parte fieri facramus. Teſte Rege apud *Sanctum Edmundum* 10 die Ju.

De eligendo alium Militem,

* See Mat. Pariſiensis Additamenta, p. 215. ſuch a kinde of Writ as this, Anno 42 H. 3.

In and from the former Writs, and their various returns, there are ſundry things very obſervable, which I ſhall note before I paſs to the next enſuing.

1. The occaſion of theſe Writs and laſt Parliament; wit, the examination, confirmation and eſtabliſhment of the New Perambulation of the Foreſts then made and returned to the King by the Commiſſioners ſpecially appointed thereunto for the Common profit of the people of the Realm, *upon the Lords and Commons earneſt requeſts in former Parliaments*; as you may read at large in *Thomæ Walſingham*, Hiſt. Angliæ, p. 35. 37, 38, 42, 44, 48. *Ypodigm. Neuſtriæ*, p. 84, 85, 86, 87, 88. *Mat. Weſtm. Ann.* 1297, 1299. *My Plea for the Lords*, p. 98.

p. 98. to 104. *Clauſ.* 28 E. 1. d. 13. and *Clauſ.* 9 E. 2. d. 6. *Schedula.*

2. The excellent principle of right and juſtice compriſed in them; That *Peramblations of Forests*, though made and returned by ſpeciall Commiſſioners appointed by the King and Parliament, ought not to be ratified as binding, till the reaſons, exceptions, and complaints of all perſons concerned therein were publikely heard and decided before the *Lords in Parliament*; and they publikely ſummoned by *Proclamations* in each County, to propound their exceptions and reaſons againſt them, if they had any. Which rule ought to be ſtill obſerved in all other like publike caſes, both in and out of Parliaments.

3. The ſpecial command and limitation of the King in and by theſe writs, commanding all Sheriffes throughout *England*, to ſummon to this New Parliament at *Lincolne*, no new elected Knights, Citizens, or Burgeſſes, except only in the places of ſuch who were dead, ſick, or unable to com to it; but only thoſe Knights, Citizens and Burgeſſes who were elected and ſent to the laſt Parliament before it, by the Kings precept. Which was accordingly executed, as appears by the Sheriffs returns.

4. A Reſolution and Declaration of the King himſelf by ſpecial writs out of Parliament, without the petition, vote, or privity of the Commons themſelves; *That if any Knights of Shires, Citizens or Burgeſſes* elected and returned to Parliament *be ſick, or unable to ſerve and diſcharge their duties*; the *King himſelf may by generall or ſpecial writs, command other fitting perſons, to be elected and ſent to Parliament in their places; as well as when they are actually dead*: which was accordingly practiſed this year, as the Sheriffs returns atteſt; And ſince that reſolved and practiſed in the *Parliament* Anno 28 H. 8. *Brooke* Parliament 7. and *Cromptons* Juriſdiction of Courts, f. 16. againſt the erronious opinion of Sir *Edward Cooke* to the contrary, 4 *Inſtit*: p. 8. And one Knight is diſcharged becauſe made a Sheriff, and another choſen in his place.

*See my Plea for the Lords, p. 389, 390, 391.

5. That

5. That all Knights, Citizens and Burgesses elected and sent to Parliaments, ought to have full and sufficient power and commission for themselves and the several Commonalties of the Counties, Cities, Boroughs for which they serve, to hear, do and consent to such things as shall happen to be ordained by common advice and counsel in those Parliaments; which ought to be comprised in the returns of their elections.

6. That all old and new Knights, Citizens and Burgesses elected for this Parliament, were enforced to put in Mainucaptors to appear at the day prefixed, who are expressed in all the Sheriffs returns.

7. That these old Knights, Citizens and Burgesses, summoned to this new Parliament, are by a special Clause in the writ of Summons it self, ordered to receive their reasonable expences in coming to, abiding at, and returning from the Parliament, from the Commonalties of the Counties, Cities and Burroughs, for which they served: for which they usually had special writs only at the conclusions of Parliaments; there being no such clause in any writ of Summons I have seen, but this alone. That no Sheriffs in their returns make any mention what they had done touching the levying of their wages, but the Sheriff of *Glocester* only: Of which more in its proper place.

8. That the Sheriffs of those Counties wherein there were Forests, had one Clause in their writs, to *make publike proclamation in their Counties, that all such who had lands at tenements within the bounds of any Forest, should appear before the King in Parliament, to shew their reasons and exceptions against the perambulation, if they had any*: which was accordingly executed by such Sheriffs; which Clause was totally omitted out of the Writs to those Sheriffs within whose Counties there were no Forests.

9. That there is no mention of any writs of Summons in this Roll issued to the Warden of the Cinque-ports, to summon and elect any Barons of those Ports

to come to this, nor to the two precedent Parliaments.

10. That though there is ſpecial mention made in the writs to the Clergie of the Kings Counſil, and other Aſſiſtants ſummoned to this Parliament at *Lincoln*, of a Conference and Treaty to be had in this Parliament at *Lincoln*, concerning the right and dominion of the King and his Anceſtors, Kings of *England*, to and over the Realm of *Scotland*; yet there is no recital of it in theſe writs to the Sheriffs, nor in thoſe to the Spiritual and Temporal Lords.

There were two ſpecial writs more iſſued to the two Juſtices of the Foreſts, beyond and on this ſide *Trent*, to ſummon all the Foreſters under them to this Parliament: Of which in its proper Section in due time.

I find no more Bundles of Writs for elections iſſued to Sheriffes now extant in the Tower during the reign of *Edward* the 1. only the tranſcripts of ſome of them are in the Clauſe Rolls enſuing.

The next writ of this nature, is that of *Clauſe* 30 E. 1. *dorſe.* 9.

10 *Rex Vic.* Ebor. *ſalutem. Quia ſuper diverſis, & arduis negotiis Nos et Statum Regni noſtri, ac pro commodo & ſecuritate ejuſdem Regni Parliamentum in proxt feſto Sancti* Michis. London *duximus ſtatuend. Tibi præcipimus firmiter injungentes, quod de Com. prædicto duos Milites, et de qualibet Civitate duos Cives, et de qualibet Burgo duos Burgenſes de diſcretioribus ipſius Comitatus ſine dilatione eligi, et ad Nos venire faciatis ad diem. et locum prædictos. Ita quod dicti Milites pro Communitate Com. prædicti, &c. tunc ibidem habeant ſufficientem poteſtatem ad faciend. quod tunc de Communi conſilio ordinabitur in præmiſſis. Et habeas ibi nomina Militum, Civium, & Burgenſium, et hoc breve. Teſte Rege apud* Weſtm. 20 *die* Julii: [28 *die* Auguſt.]

Conſimiles Literæ diriguntur ſingulis Vicecomit. per Angliam. *Et ubi eſt unus Vic. duorum Com. dicitur ſic*; quod de utroque Com. prædictorum duos Milites, &c. *ut ſupra.*

It is obſervable, Firſt, That this Parliament was called

called as well for the benefit and ſecurity of the people of the Realm, as for the weighty affairs of the King and kingdom. 2ly. That *de diſcretioribus*, is the only qualification required in the Knights, Citizens and Burgeſſes to be elected. 3ly. That they were to have ſufficient power for the Commonalty of the Counties, Cities, and Burroughs for which they were choſen, only *ad faciend. quod tunc de Communi Conſilio ordinabitur in præmiſſis.* 4ly. That ſome were Sheriffs of two Counties at once (uſual in former times) and that they had only one writ iſſued to them, to elect two Knights &c. in each County, &c. which they ſeverally returned.

Clauſ. 30 E. 1. dorſ. 7. There are other writs iſſued *Vic. Ebor. & ſingulis Vicecom. per Angliam. T. Regge apud Lewes* 13. *die Septembr.* agreeing in form with the precedent. The next is entred Clauſ. 32 E. 1. dorſ. 2.

Rex Vic. Ebor. *&c. Quia pro quibuſdam, &c. uſque* 11.
tractatum. Tibi præcipimus, &c. quod de Com. prædict. duos Milites, & de, &c. de diſcretioribus & ad laborand. potentioribus, ſine dilatione eligi, &c. Ita quod dicti Milites plenam & ſufficientem poteſtatem pro ſe et Communitate Com. prædictis, &c. diviſim ab ipſis tunc ibidem habeant, ad faciend. quod tunc de Communi Conſilio ordinabitur in præmiſſis: Ita quod pro defectu hujuſmodi poteſtatis negotia prædicta non remaneant infecta. Et habeas, &c. Teſte ut ſupra.

Conſimiles literæ dirigantur ſingulis Vic. per Angliam.

Clauſ. 33 E. 1. dorſ. 10. & 20. There are no writs 12.
to Sheriffs entred with the reſt to the Spiritual and Temporal Lords, either of Summons or Prorogation, but a ſpace left for their entry, with other Writs then omitted. Cl. 34 E. 1. d. 2. There is a writ at large entred, *Vicecom. Ebor.* agreeing in form with the laſt recited; with like writs, *ſingulis Vicecom. per Angliam*; but in Cl. 35 E. 1. d. 13. there are no writs to the Sheriffs entred, nor yet to the Spiritual, but only to the Temporal Lords.

Clauſ.

13 Clauſ. 1 E. 2. dorſ. 19. Clauſ. 2. E. 2 dorſ. 11. there are writs entred at large, Vic. *Ebor.* and Clauſ. 4 E. 2. dorſ. 2. Vic. *Kanc.* with *Conſimiles litera ſingulis Vic. per Angliam*, after every of them, agreeing all in form with the precedent writs, and their dates, recitals are the ſame with thoſe to the Spiritual Lords forecited. *Part* 1. *Sect.* 1, 2.

In the Parliament of 2 E. 2. at *Weſtminſter*, the King requeſting an Ayde from the Commons then elected by his writs, they granted him the 25 part of their goods upon this Condition, that he would anſwer and redreſs their grievances, which they then preſented, and reduced to 11. Articles, and prayed the King in a modeſt manner, to *redreſs if he pleaſed*; who thereupon promiſed them relief therein, and accordingly gave anſwers to them in his next Parliament at *Stanford*; thus recorded in Clauſ. 3 E. 2. m. 1. dorſo.

Quidam Articuli liberati Regi pro Communitate Regni.

Les Articles ſouz eſcritz baillez a noſtre Seigneur le Roi par la Communate de ſon Roialme, *a ſon Parlement quil tynt a* Weſt: *eu Ouis de Paſch. L' an. de ſon regne ſecond, en quel* Parlement, *le Roi preia daver* une Aide *de ſa terre, e les bones genz granterent au Roi le xxv. denier* **par tiel Condicion**, *qil meiſt Conſeil et remedie en les Articles avenidits. E. le Roi a ſon* Parlement *a* Staunford *commenceant le dimeynge procbein apres la Saint* Jakes, *l'an de ſon Regne tiercz, ordena reſpons et remedie a meſmes les Articles. Les queux reſpons et remedie il fiſt noteſier ſon people a ſon dit Parlement a* Staunford, *et que ſont cy deſſouz eſcritz, ceſt aſaver, apres cheſcun Articl, le remedie que y eſt ordene.*

Les bone genz du Roialme qui ſont cy venuz au Parlement, *prient a noſtre Seygneur le Roi quil veille, ſi lui pleſt, aver regard de ſon poure poeple qe mult ſe ſeint greve de ceo, qil ne ſont pas menet ſi come il deuſſent eſtre. Nomeement* **des pointz de la Grant Chartre**, *& prie de ce, ſi lui pleſt, remedie. Eſtre ce prient a leur Seygneur le Roi, ſi lui pleſt, qil veille oir les choſes que mult ont grevez ſon poeple, & encore grevent de nouel de jour en auter, per ceux qui ſa dient eſtre*

eſtre ſes Miniſtres, et mettre en amendement ſi lui pleſt.

A de primes, de bledz, brees, chans, freſches et alors et toute manere de Polaill, peiſon de Meer & de Eaw duie pris per ceux qe ſe dient eſtre Miniſtres le Roy, qe rien ne paent, ne autre certeinete per faille, ne en autre manere ne font au poeple le Roi, per quoy ſon poeple eſt empoueri.

A ceſt Article eſt reſpondu: Qil y avoit une Ordinaunce faitz de cieux Priſes en temps le Roi Edward *pere noſtre Seigneur le Roy qui ore eſt, la quele Ordenaunce bom entend qe ſoit covenable pur le Roy, et profitable pur ſon poeple: & voet noſtre Seygneur le Roy qe cele Ordenaunce ſoit tenue & garde en toutz pointz.*

L'autre, qe le Roi per ſes Miniſtres prent de cheſcun tonel de vyn iij. ſoldz. de cheſcun drap qe Marchandz alieni font venir en ſa terre ij.s. & de cheſcune livre de aver de pois iij. deniers, au d'alnage du poeple, et per tieux priſes achate le poeple au tierz denier plus qil ne ſoloit.

Noſtre Seigneur le Roi a la requeſt de ſon poeple grant, qe cete petite Cuſtome de vyns, de draps, et daver de pois, ſoit ſouztrete et oſte a la volente le Roi, pur ſaver quel profit et quel avantage ameſtera alui & a ſon people per cele ſuztrete, et puis en autre le Roi conſail ſelonc lavantage qil y verra; Sauves toutes voies a noſtre Seignr. le Roi les aunciennes Priſes et Cuſtomes aunciennement dues et approves.

Le tierz, qe la ou le Roi ad commande qe la moneye deſtrelings qe aloit en temps le Roi ſon pere, a qui dieus face mercy feuſt tenuz auſſi bone come elle feuſt en le temps ſon pere; les vendours es Citez, Burghs, & as autres villes marchandes des obeiſſament ne le font pas, Mais encontre ſon mandement vendent au double value, & plus cher en meltz des lieus de ſa terre, per quoi la poeple eſt molt empoueri.

Le Roi voet, qe briefs ſoient emeez en touz les Contez Dengleterre a fair crier, qe la monoie courge a ſa droite value, ſi come elle ſoloit en temps ſon pere, et ci ſur greveuſe peyne, & qe bom nencheriſſe les choſes pur la moneye, car le Roi la voet maintenir auſſi auſt bone come elle ſoloit eſtre.

Le quart, qe come le poeple ſe ſent molt greve et travaille en temps le Roi lour Seignr. ſon pere, a qui deiu face mercy,

de-

de ce qe Seneſchaus et Mareſchaux plederent moltz de maners des pledz qe a eux naſſeroient apleder, et as pleintes de ſon poeple qe per lieux pledz feuſt grevez et enpovreux fiſt remedy et eſtabli certains pointz & articles des queux et de quoi Seneſch. et Mar. doiient devant eux aver coniſſance apleder, les Seneſch. et Mar. qe ore ſont, ceux pointz, ne ceux Articles ne ſount, ne regardent, ainz enlargiſſent lour juriſdiction, et lour poair encontre lordenance et eſtabliſſhment ſon pere, qui deiu face mercy, dont ſon poeple eſt molt greve et enpoveri, et de ceo prie remedie.

Le Roi voet, qe Seneſchcaux et Mar. ne teignent autre maniere de plede ne en autre forme qe neſtoit ordenez per le Roi ſon pere, qui diens aſſoile, et qe ne paſſent deſoremes cele Ordenance qeſt enroulleé en Chauncellere.

Le quint; que les Seneſchaux & Mar. ou el vount per pais hors de la verge, ou lour poair neſt pas, tenent pleds, amercient Burghs & Villes grevouſement ſauz garant, et au greſs damage es enpoveriſſement du poeple, pur quoi le poeple prie remedy.

Le Roi voet, que les pledz de la Mareſchaucie ne ſoient tenuz forſq; deinz la verge, ceſt aſaver, deins le 12 lieves enviroun la ou corps le Roi ſerra, et ſelonc lordenaunce avantdits.

Le ſiſme, Qe les Chevalers, gentz de Citez é de Burghs, e dautres Villes qe ſont venuz a ſon Parlement per ſon commandement pur eux et pur la poeple e ont Petitions a liver per tortz & grevances faites a eux, qe ne poent eſtre redreſſees per la commune ley, ne en autre manere ſauz eſpecial garant, il ne trouent hom qe lour petitions recieve, ſicome ſoloit eſtre au Parlement in temps le Roi lour Seignr. ſon pere, qui deiu face mercy, et de ce prient ſa grace & remedy.

* See Clauſ. 33 E. 1. m. 8. dorſo. De Petitionibus recipiendis: where 4 of the Kings Counſel are commanded & appointed by Writ to receive all Petitions that Parliament.

Le Roy voet, qe en ſes Parlements deſoremes gentz ſoient aſſignees a receiver petitions, et qe elles ſoient delivres per ſon Conſeil, auſſi come * eſtre ſoloient en temps ſon pere.

Le Septiſme Article, qe la ou le Roi ad ſes pernours de priſes faire en Feires et Citez, per mi le Roialme les pernours le Roi pernent plus qe ne beſoigne al oeps le Roi, ceux meſmes le lurent au autres pur marchander a lour preudemeyne, et au profit a qe il le delivrent, et au damage le Roi, et de ſon poeple, dont le poeple prie remedie.

Le Roi voet, qe lordenaunce qe ſa faite de cieux Priſes en temps le Roy ſon pere, ſoit tenue et gardeé, la quelle eſt contenue es Roulles de la Chauncellarie.

Le

Le Oytiſme, qe per la ou il y ad ſuite faite ſelonc forme de ley en les Banks noſtre Seygneur le Roi, ſouent per Protections, et per Breffs deſſouz la targe, ſont leur dreitures delaez, a grant damage du poeple.

Le Roi voet, qe Protections oue les Clauſes daquitance de pledz, ne ſoient grantez deſoremes a nulles gentz forſqe a ceux qi vent hors du Roialme en le ſerviſe le Roi pur groſſes buſoignes du Roialme. E le Roi ad charge le Chanceller qi ne les face en autre manere. Et quant es Breffs de la targe, la Roi voet qe lordenaunce ſoit garde qe en fuſt faite en temps le Roi ſon pere, la quelle eſt en Chancellarie.

Le Noviſm, qe par la ou larons ſont enditez de larciniez, roberies, homicides, et autres felonies faites, trop logierement purchaunt la chartre le Roi de ſa pees, per quoi ceux qi les ont enditez ne oſent demorer en lour païs pur doute de ceux larons, & pluſurs ſe retreent de enditementz faire per cele encheſon, dont le poeple prie remedie.

Le Roi voet, que deſoremes ne ſoit grante pardoun de felonie forſqe en cas ou aunciennement ſoleit eſtre grantez, ceſt aſaver, ſi home tue autre per meſaventure, ou ſoi defendant, ou en deuerie, & ce ſoit trone per record de Juſtices.

Le diſme, qe per la ou les communs pledz du Banks le Roi de Contez douient eſtre pledez en certein leiu, la veignant les Miniſtres le Roi de ſes Chaſteaux et treent en cieu maner les pledz devant les portes des Chaſteaux, contra la forme de la ley, et de ce prie remedie.

Le Roi voet qe les Conſtables des Chaſteaux ne deſtreignent gentz apleder devant eux nul play de foreign Conte, ne deinz Counte, autrement qe aunciennement ſoleit eſtre fait.

Le Viceiſme, qe par la ou diverſes gentz du Roialme tenent lour tenements en chefs du Roi et uncore tenux. eux et lour aunceſtres du temps dont memoire neſt, veignent les Eſchetors le Roi, et ſeiſant lour terres et les ouſtont per enqueſtes quil fait de lour office, ſanz appeller en la Court le Roi, dont le poeple ſe ſente molt greve.

Le Roi voet, qe gentz et lour aunceſtres ont tenux du temps dont il nyad memoire, ſi come la petition ſuppoſe, e les Eſchetors ne ſe meſſent pur encheſon del premier entre.

Et ordenez eſt et commander per noſtre Seignr. le Roi, qe a ceux qe ſe voudront plainder a Chauncellier, qe nul bon ſoit venus encontre aucun des ditz pointz, le Chancellier par breſs du grant ſeal en face cel remedie come il verra qe face afere pur reſon. Et le Roi ad auſſint charge le dit Chancellor et ſes Miniſtres, qe cheſcun endreit bien garde les pointz avantditz.

He who ſhall ſeriouſly peruſe theſe premiſed Grievances of the Commons, which were all they complained of in the Parliaments of 2 & 3 *Edw.* 2. under the * miſgovernment of *Peter de Gaveſton* Earl of *Cornwall*, and other the Kings ill Counſellors who miſled him, and were baniſhed, and removed from him by Judgement of Parliament, will finde them not the thouſandth part ſo many for number, nor ſo grievous, oppreſſive, deſtructive to the perſons, lives, liberties, properties, eſtates, purſes of the people by millions of degrees, as thoſe the people and whole Nation have lately groaned under for many years, and ſuffered from their very real or nominal Parliaments themſelves, their Comittees, & the grand Pretended Gardians, Aſſertors, Protectors of their Laws, Liberties, and Enfranchiſers of them from Regal Tyranny and Bondage into a miſnamed Free-State and Government, or rather *Ægyptian* or Turkiſh vaſſallage; Which I deſire all conſcientious publike-ſpirited *Engliſhmen* now cordially to contemplate. If the Commons in Parliament were ſo zealous to get theſe few petit Grievances redreſſed then, bought out with a grant only of the 25 part of their goods, and thereupon thus redreſſed for the future; How zealous & induſtrious ſhould they be now to reform all thoſe innumerable tranſcendent grievances and preſſures under which we have ſo long languiſhed and have paid ſo many millions of Treaſure, yea ſpent whole Oceans of *Engliſh* bloud to remove, and yet are not eaſed nor releaſed from them, nor in probability like to be, being the leaſt of their care, who ſhould redreſs, petition, proteſt againſt them: Let this preſident ſpurr,

* See My Plea for the Lords, p. 263. to 268.

ſpurr and excite them to their duties herein, being one of the firſt Petitions of publike grievances exhibited by the Commons alone without the Lords, to the King, that I have met with in our records; upon which account, I thought not impertinent to inſert it here at large, having tranſcribed it with mine own hands out of the *Clauſe Roll* it ſelf.

The next Writ I ſhall preſent you with at large being very remarkable, is thus recorded in *Clauſ.* 5 E. 2. *m.* 26. dorſo.

Rex Vic. Ebor. *ſalutem. Præcipimus tibi firmiter injungentes, quod illos Milites, Cives & Burgenſes, de Balliva tua,* **quos nuper** *ad præſens Parliamentum noſtrum apud* London *inchoatum* **de mandato noſtro venire feciſti, &** *qui ab eodem Parliamento* **certis de cauſis receſſerunt, vel alios ad hoc idoneos loco eorum, ſi ad hoc vacare non poſſint,** *uſque* Weſtm. *ad idem Parliamentum quod ibidem duximus continuandum, venire facias. Ita quod ſint ibidem in craſtino Sancti* Martini *prox. futur. ad ultimum cum ſufficienti poteſtate Comitatus tui, & Civitatum et Burgorum prædictorum ad conſentiendum, &c. Teſte Rege apud* London. *xi. die Octobris.* 14

By this writ it is apparent, 1. That there were Knights, Citizens and Burgeſſes elected and ſent to this Parliament at London, by the Kings writ, though not entred in the Roll of Summons, Clauſ. 5 E. 2. d. 3. 17. 25. 2ly, That they departed from the Parliament for certain reaſons, not expreſſed, it ſeems without the Kings Licenſe. 3ly. That thereupon the King by this writ commands the Sheriff, to reſummon them to come to the Parliament again, which was adjourned to a certain day, moſt likely by reaſon of their departure from it: or elſe to elect and ſend other fit perſons in their places, if they could or would not attend, ſufficiently impowred from the Countles, Cities, and Boroughs for which they ſerved. And that without the vote, order, election or privity of the Commons in Parliament; who had then no power to remove,

eject, impriſon, ſuſpend their own Members, or iſſue writs for new elections, as of late they do.

Clauſ. 6 E. 2. d. 31. I meet with this writ of Prorogation, but not with the Original writ of Summons iſſued to the Sheriff.

Rex Vic. Ebor. ſalutem. *Licet nuper Parliamentum*
15 *noſtrum apud* Lincoln. *(ut ſupra Archiepiſcopo, uſque ordinavimus) Tibi præcipimus, quod de Com. tuo duos Milites, & de qualibet Civitate duos Cives, & de quolibet Burgo duos Burgenſes de diſcretioribus & ad laborand. potentioribus eligi, & eos ad Nos ad dictos diem et locum venire faceres. Ita quod Milites plenam et ſufficientem poteſtatem pro ſe & Communitate Com prædicti, et dicti Cives et Burgenſes pro ſe et Communitate Civium et Burgorum prædictorum diviſim ab ipſis haberent tunc ibidem, ad faciend. quod de Communi Conſilio noſtro ordinari contigerit in præmiſſis. Ita quod pro defectu hujuſmodi poteſtatis negotia prædicta infecta non remaneant. Quia tamen verſus partes* London. *&c. (uſque tractabuntur.) Et ideo tibi præcipimus firmiter injungentes, quod Milites, Cives & Burgenſes prædictos ſine dilatione eligi, & eos ad Nos uſque* Weſtm. *ad dictam diem Dominicam poſt dictum feſtum Aſſumptionis venire facias in forma prædicta. Et habeas ibi nomina dictorum Militum, Civium & Burgenſium, & hoc breve. Teſte ut ſupra.*

Eodem modo mandatum eſt ſingulis Vic. per Angliam.

Alſo in Clauſ. 6. E. 2. m. 27. dorſo. I finde this ſpecial Memorial entred.

De Revocatione Militum ad propria.

Memorandum, quod die Lunæ prox. ante feſtum decollationis Sancti Johannis Baptiſtæ *Anno Regis* Edwardi *fil. Regis* Edwardi *ſexto. Dom. Rex apud* Weſtm. *præcepit, quod* Milites, Cives & Burgenſes *qui ad Parliamentum Regis ibidem ſummonitum convenerant pro Communitatibus, Civibus et Burgis Angliæ,* **ad propria remearent.** *Ita quod* **reverterent ibidem** *in Craſtino Sancti* Michaelis *prox. futur.* **ſub pœna quæ decet.** *T. Rege apud Weſtm. 28 die Auguſti.*

A clear evidence, that the Knights, Citizens and Burgeſſes then ſummoned and ſent to the Parliament, could

could neither prorogue nor adjourn themſelves, nor depart thence, without the Kings ſpecial licenſe; which was entred on record, and were liable to a fitting penalty, if they returned not upon the day of prorogation prefixed by the King.

I ſhall only obſerve by the way; that whereas the King in his anſwer to the ſecond *Article* of the Commons Petition in the * Parliament of 3 E. 2. ſuſpended the *Petit Cuſtoms upon Wines, Cloth, and other Merchandize*; that the very next year he iſſued out writs to the Collectors of the Cuſtoms and Officers in *England*, and to the Chief Juſtice, Treaſurer and Barons of the Exchequer in *Ireland*, *De nova Cuſtuma colligenda*, to collect theſe new Cuſtoms again, notwithſtanding this his Ordinance in the Parliament at *Stamford*, becauſe there was *nulla utilitas regno*, by the ceaſing and abating thereof, as appears by the writs of 2. & 6. *Auguſti*, *rot. Finium*. An. 4 E. 2. But in Clauſ. 5 E. 2. m. 23. there came this Countermand by Order from the Prelates, Earls and Barons of the Realm appointed by Commiſſion to reform the abuſes of the Kings Houſhold and Realm, againſt the collecting of them and any other new cuſtoms and Maltots.

* Here, p. 69.

* *Rex Collectoribus novæ Cuſtumæ lanarum, coriorum, pellium lanatorum et aliarum rerum venalium in portu* London *ſalutem. Cum Prælati, Comites & Barones dicti regni noſtri quibus nuper per literas noſtras Patentes commiſimus poteſtatem, ordinandi de ſtatu Hoſpitii noſtri et Regni prædicti, inter* * *cæteras Ordinationes quas ſuper præmiſſis fecerant, et quas acceptavimus, et per totum regnum fecimus publicari, ordinaverint; Quod omnimodo Cuſtumæ & Malotot levatæ poſt Coronationem Domini E. quondam Regis Angliæ patris noſtri, integrè amoveantur, et penitus extinguantur; *Salvis Cuſtumis lanarum, coriorum, & pellium lanatorum ult. vid. de quolibet Sacco lanæ dimid. marc. & de 300. pellibus lanat. dimid. marc. & de laſto Coriorum unam marcam:*

* Clauſ. 25 E. 2. m. 23.

* See theſe Ordinances in the Parl. Roll of 5 E. 2. which were afterwards reverſed and nulled.

* Theſe being ſetled by former grants,

Rot. Pat. 3. E. 1. m. 1. 9. and the Statute of 25 E. 1. 6, 7. Lib. Rub. Scac. p. 256. Cooks 2 Inſtit. p. 630, 631.

Vobis

Vobis mandamus, quod de nova Cuſtuma prædicta in Portu prædicto percipiend. ſupersedeatis omnino. *T. R. apud* London *9 Octobr. Per ipſum Regem & totum Conſilium.*

The like writs then iſſued to moſt Port Towns in *England.* If we could ſee the like preſident now againſt all new exceſſive Impoſts and Exciſes iſſued to all Collectors and other Officers after ſo many years continuance of them, to the ruine of trade, and impoveriſhing of the Nation (only to enſlave them to a New Military tyrannical uſurping power, and keep on their iron *yoaks* upon their over-galled necks) it vvould be a moſt joyfull ſpectacle to their eyes, and bleſſed tydings to their ears, vvhich they have long in vain expected from late *publike Conventions*, which inſtead of eaſing, do ſtill renew and continue theſe heavy yokes and burdens upon them, though a thouſand times more grievous than thoſe then complained againſt and redreſſed.

In Clauſ. 5 E. 2. m. 31. 22. I finde a Writ iſſued by the King *Wille: de Mareſcall, & Mich de Segrave*, prohibiting, that *they come not armed to the Parliament, ſeu alio modo quam tempore claræ memoriæ E. quondam Regis Angl. Patris noſtri fieri conſuevit*; there being a quarrel between them: and Dorſe 30. 27. 25. 8 & m. 30. there are ſundry other particulars concerning paſſages and proceedings in that Parliament, worthy peruſal, though not proper for this Section. And ſo in Cl. 7 E. 2. m. 2. 8. 25. Cl. 8 E. 2. dorſ. 7, 8. Clauſ. 9 E. 2. dorſ. 27. 26. 20. 17. 6.

Nota.

Cl. 7 E. 2. m. 7. dorſo. the Writ of election entred at large isthus directed, to the Sheriff of *Hertf.* and *Eſſex.*

16 Rex Vic. *Hertf. & Eſſex ſalutem. Cum diverſa & ardua negotia* (as in the Writ to the Archbiſhop.) *Tibi præcipimus firmiter injungentes*, quod de utroque Com. Comitatuum prædictorum, *duos Milites, et de qualibet Civitate duos Cives, & de quolibet Burgo duos Burgenſes de diſcretioribus, et ad laborandum potentioribus eligi, et eos*

ad

ad Nos ad dictos diem et locum venire facias. Ita quod Milites plenam & sufficientem potestatem pro se & Communitate Com. predictorum; et dicti Cives & Burgenses pro se & Communitate Civitatum & Burgorum predictorum divisim ab ipsis habeant, and faciend. & consentiend. his, que tunc de Communi Consilio favente Domino ordinari contigerit. Ita quod, &c.

Consimiles littræ diriguntur singulis Vicecom. per Angliam.

The like writs issued to the Sheriff of these two Counties, Cl. 7 E. 2. dorſ. 15. Cl. 8 E. 2. d. 29. Cl. 9. E. 2. d. 22. Cl. 11 E. 2. dorſ. 14. & 8. Cl. 12 E. 2. d. 11. 29. Cl. 14 E. 2. d. 5, 23. Cl. 16 E. 2. dorſ. 26. (varying only in the Prologues and dates, like those to the Archbishop) and to all other Sheriffs of *England*. And Clauſ. 19 E. 2. dorſ. 27. the first writ issued *Vic. Nbrff. et Suff. Quod de utroque Com. Comitatum predictorum duos Milites, &c. de discretioribus et ad laborand. potentioribus eligi, &c. facias*, and to all other Sheriffs of *England* in like form.

In Cl. 17 E. 2. d. 27. I find this Writ of Prorogation and Resummons entred, *Rex Vic.* Roteland, *salutem.* Cum *nuper quo quibusdam specialibus negotiis ordinassemus cum Proceribus Regni nostri apud* Westm. *in Oct. sancti Hillarii prox futur. habere Colloquium et Tractatum. Vobisque præcipiissemus quod de Com. predict. duos milites, &c. usque ordinari contigerit super negotiis antedictis. Ac cum pro majori commodo & utilitate Regni nostri ordinaverimus Parliamentum nostrum apud dictum locum tenere Westm. a die Purificationis beatæ Mariæ Virginis prox. futur. in tres Septimanas & cum Prælatis, Magnatibus & Proceribus dicti Regni super dictis negotiis, & aliis idem Regnum tangentibus habere Colloquium & Tractatum, per quod nolimus, Milites, Cives aut Burgenses predicti ad locum predictum in dictis Octabis ex causa predicta accedant. Vobis præcipimus firmiter injungentes, quod de Com. predicto duos milites, & de qualibet Civitate duos Cives, & de qualibet Burgo duos Burgenses de discretioribus, & ad laborand. potentioribus.* 17.

oribus eligi, & nos ad dictum locum Weſtm. in dictis tribus Septimanis venire fac. Ita quod prædicti Milites plenam & ſufficientem poteſtatem pro ſe & communitate com. præd. dictique Cives & Burgenſes pro ſe & Civitatibus dictarum Civitatum & Burgorum prædictorum diviſim ab ipſis habeant, ad faciend. & conſentiend. biis quæ in dicto Parliamento ordinari contigerit ſuper negotiis antedictis. Ita etiam quod pro defectu poteſtatis hujuſmodi dicta negotia infecta non remaneant quovis modo. Et habeas ibi nomina dictorum Militium, Civium & Burgenſium, & hoc breve. Teſte Rege apud Kenilworth, 26 *die* Decembr. *per ipſum Regem.*

Eodem modo ſcribitur ſingulis Vic. per Angl.

18 So Cl. 20 E. 2. d. 4. there iſſued this Writ of Prorogation and Reſummons ſomewhat different from the reſt. Rex Vic. *Northumb.* ſalutem. Licet nuper ſuper arduis negotiis nos & ſtatum Regni noſtri tangentibus Parliamentum apud *Weſtm.* in Quindena ſancti *Andreæ* prox futur. tenere, ac ibidem per *Iſabellam* Reginam Angliæ Conſortem noſtram cariſſimam, & per *Edwardum* filium noſtrum Primogenitum, Cuſtodem ejuſdem Regni, nobis extra idem Regnum tunc agentibus, atque Prælatos, Proceres & Magnates Regni prædicti, habere voluiſſemus Colloquium & tractatum, Vobiſque præciperimus quod de communitate Com. tui duos Milites, & de ſingulis Civitatibus duos Cives, & de ſingulis Burgis duos Burgenſes venire faceres ad diem & locum prædictos. Ita quod dicti Milites a communitate dicti Com. & dicti Cives a Communitatibus dictarum Civitatum, & prædicti Burgenſes a communitatibus Burgorum prædict. plenam & ſufficientem haberent poteſtatem ad conſentiend. biis quæ tunc ibidem de communi Conſilio Regni noſtri contigerent ordinari. Quia tamen quibuſdam de cauſis neceſſariis & utilibus prædictum Parliamentum & Tractatum uſque in craſtino Epiphaniæ Domini prox. jam futur. apud dictum locum *Weſtm.* tunc tenend. duximus prorogand. Tibi ſignificamus, quos præ dictos Milites, Cives & Burgenſes ad dictam Quindenam

nam apud dictum locum *Westm.* ex causa Parliamenti & tractatus prædictorum accedere non oportet, & hoc eis scire facias ex parte nostra. Tibi insuper præcipimus quod prædictos Milites, Cives & Burgenses venire facias in dicto crastino apud dictum locum *Westm.* cum sufficienti potestate sicut prædictum est. Et habeas ibi nomina dictorum Militum, Civium & Burgensium, & hoc breve, & hoc nullatenus omittatis. Teste ut supra.

Eodem modo mandatum est singulis Vic. per Angl. sub eadem data.

The next Writs for Election issued to Sheriffs are these in Claus. 1 E. 3. pars 2. dors. 16. Vic. Ebor. dors. 3. Vic. Lincoln. Claus. 2 E. 3. dors. 15. Vic. Northumb. with *Consimiles literæ singulis Vic. per Angl.* all in the usual form.

In Claus. 2 E. 3. m. 31 dors. the Writs to Sheriffs, 19
are thus observably enlarged, with their memorable Prologue and conclusion.

Rex Vic. *Ebor.* salutem, cum in Parliamento nostro, apud *Eborum* convocato, magna & ardua negotia Nos & statum Regni nostri tangentia proposita fuissent quæ propter absentiam quorundam Prælatorum & aliorum Magnatum & Procerum Regni nostri tunc non poterant terminari: super quibus & aliis diversis negotiis de assensu omnium Prælatorum, Magnatum & Procerum in eodem Parliamento nostro tunc existentium, apud *Northampton* a die Pasche prox. futuro, in tres Septim. Parliamentum tenere, & cum Prælatis, Magnatibus & Proceribus dicti Regni Colloquium habere ordinavimus & Tractatum. Tibi præcipimus firmiter injungentes, quod de dicto Com. duos Milites, & de qualibet civitate Com. illius duos Cives, & de quolibet Burgo duos Burgenses, de discretioribus & ad laborandum potentioribus eligi, & ad dictos diem & locum venire facias. Ita quod dicti Milites plenam & sufficientem potestatem pro se, &c. (as in other Writs to *hoc breve*:) *Et quia ante hæc tempora*

Nota. *negotia in hujusmodi Parliamentis tractanda impedita fuerint, ex eo quod nonnulli Magnates cum multitudine tumultuosa hominum armatorum, ad Parliamenta illa accesserint, & populus patriæ ubi Parliamenta tenta fuerunt dampnificatus extitit & gravatus per quod, per nos, & Consilium nostrum concordatum extitit, quod omnes & singuli de Regno nostro cujuscunque status seu conditionis fuerint, si ad dictum Parliamentum venire voluerint, modo debito, & absque aliqua hujusmodi multitudine, sub forisfacture omnium quæ nobis forisfacere poterint, accedant. Vobis præcipimus firmiter injungentes, quod in Ballivâ vestra ubi melius expedire videritis publice proclamari, & ex parte nostra firmiter inhiberi faciatis, ne quis sub forisfactura prædicta cujuscunque status seu conditionis existat, ad Parliamentum prædictum cum hujusmodi multitudine hominum armatorum accedere præsumat; per quod populus noster terreri, seu dicta negotia nostra retardari valeant quovis modo, Teste Rege apud Eborum, 4 die Marcii.*

Eodem modo mandatum est singulis Vic. per Angliam.

From which Writ I shall observe, 1. That the Writs of Summons to Parliaments may be altered and enlarged with necessary Prologues and clauses, according to the times and emergent occasions, by the King and his Counsel, without consent or Act of Parliament. 2ly. That the absence of some Prelates, Lords, and Great men from the Parliament is a just cause to adjourn or dissolve it. 3ly. That no weighty affairs ought to be concluded but in a full Parliament, when all the Lords and Members are present; and not in an empty House, when any considerable number of Lords and other Members are absent or secluded. 4ly. That no Lords nor other persons whatsoever, though summoned as Members, ought to come to Parliaments with a tumultuous multitude of people, followers, and armed men; it being inconsistent with the freedom and privileges of Parliaments, a grand dis-

* See Part. 1. p. 27, 28. 177. 215.

See Claus. E. 2. dors. 22. 31.

disturbance to their proceedings touching the weighty affairs of the King and Kingdom therein propounded, and a great terror and oppression to the people in those places where the Parliaments are held? Much less then ought Petitioners, or those who are no Members, to draw up whole Troops, Regiments of armed Souldiers to terrifie, force, seclude, secure, dissolve the very Lords, Members, Houses, and Parliaments themselves. 5ly. That the King and his Council alone may by publick Writs and Proclamations lawfully prohibit the resort of any persons, of what condition soever, to Parliaments, with any tumultuous multitude, or armed men, under the pain of forfeiting all they have; and that by the antient Common-law of *England*, as well as by the Statute of 7 *E.* 2. *Rastal Armor.* 2 it being a chief branch of the Kings antient royal *Prerogative* and *Office*, as the Act declares. 6ly. That they may insert this Prohibition and Proclamation into the very Writs of Summons themselves, when there is just occasion; as there was never so much cause as now to do it, after so many unparallel'd tumults and violences offered to Members, and raised against Parliaments themselves, by tumultuous multitudes of rude people, and whole Troops, Regiments, Armies of Sword-men raised for their defence, to the total, if not final subversion of the antient Rights, Liberties, and constitution of our *English* Parliaments.

In the Parliaments of 5 *E.* 2. some *Noblemen* and *Earls*, by reason of dissentions between them, and other fears and jealousies, intended to resort to those Parliaments with a great number of armed men of their friends and retainers; which the King being informed of, thereupon issued these memorable writs unto them, expressing the manifold mischiefs and inconveniences thence ensuing, and prohibiting them to come to these Parliaments with any arms, horse of warr, or multitudes of people, or to disturb the peace, affright the people of the Realm, or hinder the pub-

like affairs of Parliament in any kinde, under pain of forfeiting all their lands, tenements, and whatever else they might forfeit to him, worthy the consideration and imitation of present and future ages upon the like occasions.

Clause 5 E. 2. dorſ. 31. *Rex dilecto et fideli ſuo* Nicho: de Segrave, ſalutem. *Datum eſt nobis intelligi, quod vos occaſione quarundam diſſenſionum inter vos, et dilectum & fidelem noſtrum* Willielmum Mareſchal, *super ſubortarum, ad arma vos paratis, & adhicos & confederatos veſtros, ſe parare ſimiliter procuratis, quodque ad Parliamentum noſtrum quod apud* London *die Dominica proxima poſt feſtum Sti.* Laurentii, *proximo futur. fecimus ſummoneri, accedere intenditis cum multitudine armatorum, unde in immenſum non immerito commovemur. Et quia acceſſus hujuſmodi ſi fieret, in noſtri contemptum, et expeditionis negotiorum veſtrorum impedimentum, ac terrorem populi regni noſtri et leſionem pacis noſtræ cederet manifeſtè. Vobis mandamus in fide et homagio quibus Nobis tenemini, ſub forisfactura terrarum ac tenementorum, ac omnium aliorum quæ Nobis forisfacere poteritis diſtrictè inhibentes, ne ad dictum Parliamentum cum armis, ſeu alio modo, quem tempore claræ memoriæ Domini* E. *quondam Regis* Angl. *patris noſtri conſuevit, accedere, aut aliqua alia per quæ expeditio negotiorum noſtrorum in dicto Parliamento retardari, aut pax noſtra turbari, ſeu populus dicti regni noſtri quovis modo terreri valeat facere præſumatis.* Conſimilia mandata et Inhibitionem fecimus præfato *Willielmo* ſuper negotio antedicto. *Teſte Rege apud* Berwic. *ſuper* Twed. 20 *die Julii.*

Eodem modo mandatum eſt præfato Willielmo de Mareſchal. *T. ut ſupra.*

Cl. 5 E. 2. dorſ. 22. Rex dilecto et fideli ſuo *Gilberto de Clare* Comiti *Glouc. & Hereford*, ſalutem. Intelleximus, quod ad præſens Parliamentum noſtrum apud *Weſtm.* continuatum, eſtis cum equis et armis, more non debito venientes, unde admiramur non immerito et turbamur; præſertim cum per hujuſmodi acceſ-

ſum

sum vestrum ibidem expeditio negotiorum Nos et statum regni nostri tangentium in dicto Parliamento nostro tractandorum impediri, et populus partium illarum ac alibi in regno nostro, ex ista posset non modicum, et pax nostra turbari. Vobis igitur mandamus in fide et homagio quibus Nobis tenemini firmiter injungedtes, quod ad dictum Parliamentum nostrum ad tractandum Nobiscum, et cum Prælatis ac Magnatibus de regno nostro super dictis negotiis veniatis, prout tempore claræ memoriæ Domini E. quondam Regis Angl. patris nostri fieri consuevit, equis pro armis vobiscum ibidem nullatenus adducentes, nec aliquid aliud attemptantes per quod pax nostra turbari, aut populus noster terreri valeat quovis modo. T. apud *Westm.* 28 die *Novemb.* *Per ipsum Regem.*

Eodem modo mandatum subscriptis, viz. *Thomæ* Comiti *Lancastr. Humfr. de Bohun* Comiti *Heref. & Essex, Adamaro de Valenc.* Com. *Pembroke, Guidoni de Bello-Campo* Com. *Warr. Edmundo* Com. *Arundell.*

It seems notwithstanding these Writs, *there were some forces raised by those Earls and Nobles*, principally against *Peter Gaveston*; which produced these ill effects; 1. It terrified most of the Knights, Citizens and Burgesses, and caused them to depart home, and desert the Parliament; so as the King was enforced to issue out new Writs, to resummon them, and to command the Sheriff to elect others in their places, in case they would not or could not come; as is evident by the Writs in *dorse* 26 of *Cl.* 5 E. 2. forecited, *p.* 73. 2ly. It frighted away most of the Kings Justices and Counsil from the Parliament; so that he was constrained to resummon, and command them not to depart from the Parliament during its continuance, without his special license, as appears by this ensuing memorable Writ.

Cl. 5 E. 2. d. 27. Rex dilecto et fideli suo *Roberto de Retford* salutem. Nuper vobis ex parte nostra fuit injunctum, quod una cum cæteris de Consilio nostro in præsenti

* Walsingham Hist. Angliæ, p. 72. to 78. & other Historians in Anno 5 E. 2.

præsenti Parliamento nostro *London* ad tractandum ibidem super diversis negotiis Nos et Statum regni nostri tangentibus moram continuam faceretis, quousque aliud inde præcipissemus. Vosque mandatum nostrum, in hac parte minus justè ponderantes, à dicto Parliamento, cæteris de Consilio nostro ibidem circa dicta negotia nostra tractantibus, ad alias partes vos elongastis, unde admiramur non modicum, et merito conturbamur. Vobis igitur mandamus in fide qua Nobis tenemini firmiter injungentes, quod statim visis præsentibus, omnibus aliis prætermissis ad dictam Civitatem cum omni festinatione accedatis, ibidem cum cæteris de Consilio nostro super dictis negotiis tractaturi, vestrumque Consilium impensuri, et exinde sine licentia nostra speciali durante Parliamento prædicto nullatenus recedatis. Et hoc sicut indignationem nostram vitare volueritis nullo modo omittatis. T. Rege apud *Haddelye* 12 die Septembr: *Per Consilium.*

Eodem modo mandatum est subscriptis, viz: *Willo: de Ormesby, Rico: de Bereford, Henrico de Staunton, Johi. de Mitford, Henrico le Scrop, Henrico de Guldeford, Willo: de Colneye, Willo de Goldington, Johi: de Insula, Johi: de Doncastr. Johi: Lovell de Snotescumbe, Rico de Rodeneye, Johi: Cheynel, Willo: de Bourne, Johi: de Batesford, Rogero de Scotre.*

3ly. It necessitated the King to adjourn the Parliament till a further time, and much hindred the publike affaires of the King and kingdom, which should have been dispatched therein, as is evident by the writ of Prorogation, Cl. 5 E. 2. dorso 17. And what sadder effects such armed tumults and Souldiers have of late years produced, not only to the disturbance of the publike peace and affairs of the Realm, and Parliament, but to the very ruin of the King, Parliament, kingdom, Lawes, Liberties themselves, we have seen by sad experience; Therfore we should use all good and effectual means for the future prevention of such tumults, armed powers and mischiefs, when and where any Parliaments are convened.

The

The next Writs are in Clauſ. 4 E. 3. dorſ. 19. *Vic. Northumbr.* recited at large, with *Conſ. literæ ſingulis Vicec. per Angl.* running all in the ordinary form, having the ſame recitals and dates with thoſe to the Prelates forecited, *Section* 1.

But in Dorſ. 13. of this year, I find this memorable Writ of Proclamation ſeized to all Sheriffs of Counties, after the Writs of Sections, but unto them, to direct them and the people what perſons they ſhould then elect for their Knights, and inviting all that were grieved by the Kings Officers to complain againſt them in Parliament to the King himſelf, or ſuch as he ſhould appoint, who ſhould give them full and ſpeedy relief. Then being the fifth Writs formerly iſſued to them by King Edward the firſt Clauſ. 17 E. 1. dorſ. 1. *Quod Vic. ſimul venire fac. illos qui de Miniſtr. Rei. tenentur obſtinere, ſed veniant, quod Weſtm. coram cunctis Iuſticiariis aſſignandis, to examine and redreſs all offences, and extortions and oppreſſions, dum Rex erat intra Regnum.*

*Le Roy a Viſcount de Lancaſtr. ſalutz. Pur ce que nous avomous entendues, que diverſes oppreſſions et duretes ount eſte faits ſur pluſours gentz de noſtre Roilme, per acunes q'ount eſtre nos Miniſters en diverſes Offices, et auxiſt per acunes gentz de noſtre Roilme, auxibien Nous conſeilers come autres, tant come nous beſoigne per reaſon de la tendernes de noſtre age, ount eſte maney per acunes gentz a damage et diſhonor de nous, la quelle choſe nous ne voloms darſors ſoeffrer, et nos avoms moult grant deſire que tiels choſes fuiſſent mis en eſtat due, et les tortes et miſpriſions, redreſſes. Vous mandoms et chargeant en la foi que vous nous devez, que haſtiment ſans delay, faitz crier per mi voſtre baillive auxibien deins Franchiſe come dehors, que toutz ceux que ſa voudroint pleindre des oppreſſions, duretes ou autres grievance a eux faitz countre droiture et les loyes, et les uſages de noſtre Roilme, veigneit

* Clauſ. 4 E. 9. m. 43. dorſo. See my plea for the Lords, p. 376, 377.

a

a *Westm.* a cest nostre prochein Parlement, et monstrent illeoques lour plaints a nous, ou a ceux que nous ferrons a ce deput, et nous lour ferons fair covenable et hastif remede dont ils se devient aggreer per reason. Et pour ce que avant ces heures ascunes des Chivalers qe sont venus as Parlements pour les communautes des countees quant estre gens de coveigne et malotieners des [illegible] ne [illegible] un seul-free que les bones gents poient [illegible] les grievances du comune poeple, ne les choses que demeurent avoir este redresses en Parlement, a grant damage de nous et de nostre poeple, vos mandoms et chargeoms qe vous faces eslier [illegible] de vostre Countee deux des plus [illegible] Chivalers et * Sergeants de mesme le Countee que soient mi suspiciouns de male coveigne ne communes meinteinours des parties, destrez a nostre Parlement selonc le forme de nostre mandement que vous en aves. Et ceo ne lessez si come vous voulliez eschuer nostre grief indignation: Don a *Windsoch* le triers jour de *November*, per ipsum Regem.

Eodem modo mandatum est singulis Vic. per Angl. A fit Writ tone now revived.

The next writs are those in Claus 5 E. 3. *dors.* 7.

23 *Rex Vic.* Eborum *salutem. Cum tam magnis & arduis negotiis Nos & statum ac regimen Regni nostri specialiter contingentibus de consilio Prælatorum & Magnatum Nobis assistentium, ordinavimus Parliamentum nostrum apud Westm. in crastino sancti Michaelis prox. futur. tenere, & cum Prælatis, Magnatibus & Proceribus dicti Regni habere Colloquium & Tractatum. Tibi præcipimus firmiter injungentes, quod de dicti Com. duos Milites, & de qualibet Civitate Com. illius duos Cives, & de qualibet Burgo duos Burgenses, de discretioribus, & ad laborandum potentioribus eligi, & eos ad dictos diem & locum venire facias. Ita quod dicti Milites plenam & sufficientem potestatem pro se, & pro communitate Com. prædicti, & dicti Cives & Burgenses, pro se & communitate Civitatum & Burgorum di-*

* Esquires, not Sergeants at law. See 5 H. 5. cap. 1.

diviſim ab ipſis habeant ad faciend. & conſentiend. biis quæ tunc de communi Conſilio favente Domino ordinari contigerit ſuper negotiis antedictis. Ita quod pro defectu poteſtatis hujuſmodi dicta negotia infecta non remaneant quovis modo. Et habeas ibi nomina prædictorum Militum, Civium & Burgenſium, & hoc breve. Teſte ut ſupra.

Eodem modo præceptum eſt ſingulis Vic. per Angliam.

The like in all reſpects, except in the recitals (being alwayes the ſame with thoſe to the Spiritual and Temporal Lords, relating in ſpecial or general the cauſes of ſummoning each Parliament, and in the times and places of the Parliament, and dates of the Writs) iſſued to the Sheriffs, and are entred in the ſame order as thoſe preceding, in Cl. 5 E. 3. d. 25. Clauſ. 6 E. 3. d. 9. 19. 36. Clauſ. 7 E. 3. part 1. d. 3. Clauſ. 8 E. 3. dorſ. 18. Clauſ. 9 E. 3. d. 2. 18. Clauſ. 10 E. 3. d 1. 5. Cl. 11 E. 3. pars 2. d. 11. 40. Cl. 12 E. 3. pars 2. d. 32. Cl. 13 E. 3. pars 2. d. 28. where you may peruſe them.

But in Cl. 10 E. 3. *dorſ.* 1. there is this Writ of Prorogation and Reſummons entred. *Rex Vic.* Ebor. *ſalutem.* *Cum nuper Parliamentum noſtrum quod apud* Ebor. *in diem Lunæ in feſto ſancti Hillarii prox futur. tenere ordinavimus, uſque ad Octabas Purificationis beatæ Mariæ Virginis prox. futur. prorogavimus apud eundem locum tunc tenend. Et tibi preceperimus, quod de Com. tuo Milites duos, &c. venire faceres, ad faciend. et conſentiend biis quæ tunc de communi Conſilio ordinati contigerit ſuper quibuſdam Negotiis Nos et Statum Regni noſtri tangentibus. Ac propter diverſa nova Nobis et dicto regno noſtro permoleſta, quæ in partibus tranſmarinis jam noviter emerſerunt, &c.* (as in the Writ to the Archbiſhop) *idem Parliamentum uſque diem Lunæ prox. poſt feſtum Sancti* Matthæi *Apoſtoli prox. futur. apud* Weſtm. *tunc tenend. duximus prorogand. Tibi præcipimus, quod præmuni i fac. Milites, Cives & Burgenſes prædictos, quod ad Octabas prædictas ad dictum locum* Ebor. *ex cauſa Parliamenti non veniant iſta vice. Præcipimus inſuper tibi firmiter injungentes, quod eoſdem Milites, Cives et Burgenſes ſic electos, vel alios loco eorum electos, ſi electi non fuerint,* 23

in forma prædicta eligi, et eor ad dictum locum Westm. ad prædictum diem Lunæ venire faciat. Ita quod Milites plenam et sufficientem potestatem pro se & Communitate Com. prædicti habeant, &c. (ut supra.) usque hoc breve. Teste ut supra.

Eodem modo mandatum est singulis Vic. per Angl.

24 In Clauſ. 13 E. 3. part 2. dorſ. 1. the form of the Writ for elections to the Sheriffs, is thus notably varied.

Rex Vic. *Eborum* ſalutem. Cum quædam ardua & urgentia negotia Nos, et honorem noſtrum, Statumque Regni noſtri contingentia in Parliamento noſtro apud *Weſtm.* in Quindena ſancti *Michaelis* prox. præterito ſummonito, Prælatis, Proceribus et **Communitati** dicti regni ibidem exiſtentibus expoſita extitiſſent, ſuper quibus **eadem Communitas** tempus ad deliberand. petiit, ſupplicans quoddam aliud Parliamentum ſtatim infra breve, ut tunc deliberatione hujuſmodi valeret expoſitis maturius reſponderi, per quod de aviſamento Prælatorum et Procerum prædictorum necnon **ad dictæ Communitatis** hujuſmodi ſupplicationem, ordinavimus, quod ſuper hiis et aliis urgentiſſimis negotiis tam Nos et expeditionem guerræ noſtræ, ac jura noſtra et Coronæ noſtræ in partibus tranſmarinis, quam defenſionem dicti regni ceterarumque terrarum noſtrarum contingentibus, Parliamentum noſtrum apud *Weſtm.* in Octabis Sancti *Hillarii* prox. futur. tenetur. Nos advertentes, quod negotia noſtra in Parliamento noſtro hactenus agitata ſæpius impedita fuerunt et etiam retardata, Ita quod electiones de Militibus, Civibus et Burgenſibus pro Communitatibus Com: Civitatum et Burgorum ad Parliamenta illa venientibus minus facta provide exiterunt. Tibi præcipimus diſtrictius injungentes, quod de dicto Comitatu eo **duos Milites** gladiis cinctos, et de qualibet Civitate Com. illius **Duos Cives**, et de qualibet Burgo **Duos Burgenſes** ac diſcretioribus et probioribus **Militibus, Civibus et Burgenſibus** Com. Civitatum

vicatum et Burgorum, et [illegible] potentioribus, eligi, et eos ad dictos diem et locum venire facias. Ita quod iidem Milites plenam et sufficientem potestatem pro se et Communitate Com. prædicti, & dicti Cives ac Burgenses pro se et Communitatibus Civitatum et Burgorum divisim ab ipsis habeant, ad faciend. et consentiend. hiis quæ tunc de Communi Consilio nostro, favente Domino, ordinari contigerit super negotiis antedictis. Ita quod pro defectu potestatis hujusmodi, seu Propter improvidam electionem Militum, Civium aut Burgensium prædictorum (quam tibi si aliter quam prædictum est facta fuerit imputabimus) dicta negotia infecta non remaneant quovis modo; & habeas ibi nomina prædictorum Militum, Civium et Burgensium, et hoc breve. Teste ut supra.

Per ipsum Regem, et dictum Custodem & Consilium.

Eodem modo mandatum est singulis Vicecomitibus per Angliam.

From whence it is observable,

1. That the Commons in Parliament ought not rashly to determine, or give answer to any business of great moment propounded to them, without due time and consideration; and that they may justly desire convenient time to deliberate upon it, till another Parliament shall be summoned for that purpose; as they did here: which the King upon their Petition, and the advice of the Prelates and Great men, assented to by his *Custos Regni*.

2. That the indiscreet and improvident Elections of unfitting, undiscreet, dishonest, insufficient Knights, Citizens and Burgesses, is a frequent occasion of hindering and retarding the great and weighty affairs of the King and kingdom in Parliament, and cause of their miscarriage without good effect.

3. That the blame of such improvident elections, is much to be imputed to the Sheriffs, as well as Electors.

4. That the Clauſe of *gladiis cinctos*, was firſt added to *duos Milites* by this writ, not being in any former writs; that ſo none but *actual Knights* by *Order*, as well as *tenure*, might be elected and returned.

5. That the word *Probioribus*, is ſuperadded to *Diſcretioribus et ad laborandum Potentioribus Militibus, Civibus et Burgenſibus*, &c. extant in none of the precedent Writs ſince 49 H. 3. and *Legalioribus* omitted.

6. That there was no Alteration at all now made in the Writs to the Warden of the Cinque ports, continuing as before, but only in thoſe to Sheriffs for electing Knights, Citizens and Burgeſſes.

25 The next ſucceeding writ in Clauſ. 14 E. 3. pars 1. dorſ. 33. runs in the uſual form, yet with *duos Milites gladiis cinctos, &c. de diſcretioribus et probioribus Militibus, Civibus et Burgenſibus Com. Civitatum et Burgorum eorundem, et ad laborand. potentioribus eligi, &c.* but *de probioribus* is omitted out of the Writ to the Warden of the Cinque Ports. In dorſ. 23 of this Roll, *gladiis cinctos* is omitted in the writs to Sheriffs, as it is in Clauſ. 15 E. 3. pars 1. d. 37. cl. 16 E. 3 pars 2. d. 22. (where *Probioribus* is changed into *Legalioribus*) cl. 17 E. 3 pars 1. d. 25. (*probioribus* is uſed, and *legalioribus* omitted) as it is likewiſe in clauſ. 18 E. 3. pars 2. d. 14. clauſ. 20 E. 3. pars 2. d. 22.

26 In Clauſ. 21 E. 3. p. 2. d. 9. The Writ is *Duos Milites &c. de diſcretioribus et probioribus, &c.* to *hoc breve*. Then follows this notable clauſe, *Et ſcire vos volumus, quod dictum Parliamentum non ad Aurilia ſeu Tallagia a populo dicti regni noſtri petenda, vel alia onera eidem populo imponenda, ſed tantarat pro juſtitia ipſi populo noſtro ſuper damnis et gravaminibus ſibi illatis faciend. et pro tractatu ſuper dictis negotiis, ut premittitur habend. fecimus ſummoneri. Teſte ut ſupra. Per ipſum Regem.*

Conſimilia Brevia dirigunt in ſingulis Vic per Angliam, ſub eadem data.

This laſt Clauſe (which would now be very wel-

com

com and seasonable to all Sheriffs, Counties, Cities, Boroughs, Ports in writs for elections) shewes the true, proper, genuine principal end of summoning Parliaments, and what they should principally intend: The calling of them heretofore, & in latter ages, changes, *only to grant Aids, raise monies*, advance the ambitious or covetous designs of others, instead of the peoples ease, profit, and redress of their grievances, damages, oppressions, being a *grand Abuse*, as *Andrew Horne* long since resolved under *Edward* the 1. in his *Mirrour of Iustices*, ch. 5. p. 282.

Clauſ. 22 E. 3. pars 1. d. 32. The Writ to the Warden of the Cinque ports is registred before that to the Sheriffs, (as it is likewise in dorso 7. and sundry other succeeding Rolls) which is only, *Duos Milites, &c. de discretioribus & probioribus* &c. But the writs to the Sheriffs, *dorſ.* 7. are thus varied. *Tibi præcipimus firmiter injungentes, quod de Comitatu tuo duos Milites* Gladio cinctos, et Dignitem Militarem habentes, et non alios (in the Negative as well as Affirmative) *Et de qualibet Civitate Com: illius duos Cives, et de qualibet Burgo duos Burgenſes* de Sapientioribus, discretioribus, probioribus, et sine dignio Militibus, Civibus et Burgensibus Com: *Civitatum et Burgorum eorundem eligi, &c. Ita quod pro defectu poteſtatis hujuſmodi, aut propter improvidam electionem Militum, Civium & Burgenſium prædictorum, dicta negotia infecta non remaneant quovis modo: Per quod ad ſe (ut) tanquam ad impedimentum negotiorum noſtrorum prædictorum materiam habeamus graviter capiend. Et habeas ibi nomina, &c.* 27

The like Clauſes are in the Writs of Prorogation Clauſ. 22 E. 3. pars 2. d. 3. But there is no alteration or new clause at all in any of the Writs to the Cinque-ports, which still retains, *Duos Barones de discretioribus, & ad laborand. potentioribus, &c.* having only *ſua propter improvidam electionem Baronum prædictorum, &c.* added sometimes in the last *Ita quod, &c.* where the Writs to Sheriffs have it.

In

28 In Clauſ. 24 E. 3. pars 2. m. 3. dorſo, there is this addition and limitation in the writs then iſſued to all the Sheriffs through *England*, *Quod de Comitatu suo duos Milites, &c. de diſcretioribus et probioribus Militibus, Civibus, et Burgenſibus, & ad laborand. potentioribus*, Qui non ſunt placitorum aut querelarum mantentores, aut ex huiuſmodi queſtu viventes, &c. (in the Negative) Sed homines valentes et bonæ fidei, & publicum commodum diligentes eligi, &c. (in the Affirmative.) Very neceſſary and juſt general limitations, directions both for the Electors and Sheriffs to obſerve, with a *ſeu propter improvidam electionem Militum, Civium, aut Burgenſium prædictorum negotia noſtra infecta non remaneant quovis modo.*

The ſelf-ſame Limitations are in the Writs to all Sheriffs in Clauſ. 25 E. 3. pars 1. dorſ. 5. cl. 28. E. 3. d 26. & Clauſ. 29 E. 3. dorſ. 8. but not in thoſe to the Cinque ports in theſe or other Rolls.

I meet with theſe unuſual Writs both to Sheriffs of Counties, Mayors, and Bailifs of Cities, Burroughs, and to the Warden of the Cinque ports, in Clauſ. 26 E. 3. m. 14. dorſo, worthy ſpecial obſervation.

29 *Rex Vic.* Kanc: *ſalutem. Quia per magnis et urgentibus negotiis, &c.* (ut ſupra, Part 1. p. 57) *uſque ibi remedium et tunc ſic, cum Prælatis et Magnatibus*, ut ſupra uſque ibi *tractatum. Tibi præcipimus firmiter injungentes, quod unum Militem de provectioribus, diſcretioribus, et magis expertis Militibus Com. prædicti*, De aſſenſu ejuſdem Com. *eligi, et eum ad diem et locum prædictum venire facias. Ita quod idem Miles pro ſe et Communitate Com. prædicti plenam et ſufficientem poteſtatem habeat ad tractand. conſulend. et conſentiend. his quæ tunc divina favente clementia contigerit ordinari ſuper negotiis antedictis. Et ut homines ab iſta occupatione autumpnalibus quæ minus poſſumus retrahamus, unum tantum Militem de quolibet Comitatu ad dictum Conſilium Mittend. habere velimus iſta vice. Nos de die receptionis præſentium, & per quem tibi delatæ fuerint certificans tunc ibidem. Teſte ut ſupra.*

Con-

Consimilia Brevia diriguntur singulis Vic. per Angliam *sub eadem data.*

Consimile Breve dirigitur Henrico *Com.* Lancastr. *mutatis mutandis, sub eadem data.*

Rex Vicomitibus London *salutem. Quia pro magnis & urgentibus negotiis, &c. ut supra usque tractatum: & tunc sic. Vobis firmiter injungentes quod duos Cives de provectioribus, discretioribus, & magis expertis Civibus Civitatis prædictæ* De assensu ejusdem Civitatis, *&c. ut supra. mutandis mutandis, usque ad antedictis: et tunc sic; Nos de die receptionis, &c. ut supra. Teste ut supra.* 30

Rex Majori et Ballivis Civitatis suæ Eborum, *salutem. Quia, &c. ut supra usque ibi tractatum: et tunc sic. Vobis præcipimus firmiter injungentes, quod* unum Civem *de provectioribus, discretioribus, &c. ut supra, usque ibi antedictis: & tunc sic. Et ut homines ab istis occupationibus autumpnalibus quo minus possumus retrahamus,* unum tantum Civem de qualibet Civitate ad dictum Consilium mittend. habere volumus, ista vice. *Nos de die, &c. ut supra. Teste ut supra.* 31

Consimilia Brevia diriguntur Majoribus *et* Ballivis *Civitatum et Burgorum subscriptorum sub eadem data, viz.*

Majori & Ballivis de *Norwico* pro uno Cive.

Majori et Ballivis de *Kingeston super Hull*, pro uno Burgense.

Ballivis de Sancto Botho, pro uno Burgense.

Majori & Ballivis *Bristoll*, pro uno Burgense.

Majori & Ballivis de Villa *Southampton*, pro uno Burgense.

Majori & Ballivis *Cicestr.* pro uno Cive.

Ballivis Villæ magnæ *Jernmuth*, pro uno Burgense.

Majori & Ballivis Villæ de *Lenn:* pro uno Burgense.

Majori & Ballivis *Lincoln.* pro uno Cive.

Rex dilecto & fideli suo Bartho. de Burghersbe, *Constabulario Castri sui* Dovor, *& Custodi Quinque Portuum suorum vel ejus locum Tenenti, salutem. Quia pro magnis*

& urgentibus negotiis, &c. Vobis mandamus firmiter injungentes Quod de Quinque Portubus prædictis **duos Barones de Provectoribus,** *diſcretioribus, &* **magis expertis Baronibus** *Portuum prædictorum eligi, & eos ad diem & locum venire faciatis. Ita quod iidem Barones plenam & ſufficientem poteſt. pro ſe & commun. Portuum habeant ad tract. and. conſulend & conſentiend. biis quæ tunc divina favente clementia de communi Conſilio contigerit ordinari. Et ut homines ab iſta occupatione Autumpnalibus quo minus poſſumus retrahamus* **duos tantum Barones de Portubus** *prædictis ad dictum* **Conſilium mittend. habere volumus,** *iſta vic. Nos de die receptionis præſentium, per & quem vobis dilatæ fuerint certificantes tunc ibid. Teſt. ut ſupra.*

In theſe Writs there are theſe ſeveral things remarkable.

1. The occaſions of them, *Pro magnis & urgentibus negotiis & novis ſubitis ad nos perlatis, nos & ſtatum, ac jura Regni noſtri Angliæ, ſumme concernentibus, ſuper quibus feſtinum & providum oportet exhiberi remedium,* as the Writ to the *Arch-biſhop recites, and the *ut ſupra* in theſe writs refers to.

* Part 1. p. 57.

2ly. The title given to this Convention, not *Parliamentum*, but *Conſilium*, as the latter clauſes of theſe writs: *ad dictum Conſilium*, and the marginal Note in the Roll, *ſummonitio Conſilii* import.

3ly. The perſons ſummoned to it, namely, the Arch-biſhops, Biſhops, one Prior, one Abbot, the Earls, and temporal Lords and Barons, the Kings Juſtices and Counſil, as well of the Clergy as Laity: but one Knight only, and no more out of every Shire for the whole Shire, 2 Citizens out of *London* only, but one Citizen and Burgeſſe alone out of every other Citie and Borough, and 2 Barons, but no more out of all the Cinque-ports.

4ly. The extraordinary qualification of the Knights, Citizens, Burgeſſes, and Barons to be elected, who are limited to be *de provectioribus, diſcretioribus, & magis expertis Militibus, Civibus, Burgenſibus & Baronibus.*

5ly. The

5ly. The reason rendered why one only in each of these was at this time prescribed to be elected, and no more, was, *ut homines ab ista occupatione autumpnalibus quo minus possumus retrahamus.*

6ly. The clause of the plenary and sufficient power they were to have for themselves, and the Commonaltyes who elected them, *ad tractand. consulend. & consentiend. hiis quæ tunc divina favente clementia de communi consilio contigerit ordinari super negotiis antedictis*, varyes from former clauses.

7ly. The Certificate required from all to whom these writs issued, *Nos de die acceptionis præsentium, & per quem tibi dilatæ fuerint certificans tunc ibidem*; not usual in other writs.

8ly. That writs issued to Sheriffs, only to choose one Knight, but not to elect any Citizen or Burgess within their Counties, the writs for their elections now issuing to the Maiors, Sheriffs, Bayliffs of each City and Borough, not to the Sheriffs.

There are other forms of Writs somewhat like unto these last recited, thus registred in Claus. 28 E. 3. m. 12. dors. not unworthy special observation, issued to Sheriffs of Counties, Mayors, Sheriffs, Bayliffs of Corporations & Cities, which I shall present you with. 23

Rex Vic. Lanc. *salutem. Quia pro magnis & urgentibus negotiis, Nos & statum Regni nostri Angliæ concernentibus, cum Prelatis, Magnatibus, Proceribus, & aliis fidelibus dicti Regni nostri apud* Westm. *die Lunæ prox. post festum sancti* Mathæi *Apostoli prox. futur. Colloquium habere volumus & tractatum. Tibi præcipimus firmiter injungentes, quod* unum Militem gladio Cinctum *de discretioribus & magis expertis Militibus Com. prædicti, de assensu ejusdem Comitatus, sine dilatione eligi, & eum ad diem & locum prædictos venire facias. Ita quod idem Miles pro se & pro communitate Com. prædicti plenam & sufficientem potestatem habeat ad tractand. consulend. & consentiend. hiis quæ tunc divina favente clementia, contigerit ordinari super negotiis antedictis; & hoc nullatenus omittatis. Teste ut supra.*

Eadem modo mandatum eſt ſingulis Vicecomitibus per Angliam ſub eadem data.

Rex dilecto & fideli ſuo Bartho. de *Burgherſh.* Conſtabulario Caſtri ſui *Dov.* &c. vobis mandamus, &c. quod de quolibet Portuum predictorum unum Baronem de diſcretioribus & magis expertis Baronibus Portuum eorundem eligi, &c. Ita quod iidem Barones plenam & ſufficientem poteſtatem pro ſe & communitate Portuum predictorum habeant ad tractand. &c. ut ſupra.

Rex Majori & Vicecomitibus *Londn.* &c. ut ſupra. Quod duos Cives de proviſioribus & diſcretioribus & magis expertis Civibus Civitatis predictæ, de aſſenſu ejuſdem Civitatis ſine dilatione eligi, &c. Ita quod iidem Cives pro ſe, &c. & hoc nullatenus omittatis.

Eodem modo mandatum eſt Majoribus & Ballivis Civitatum & Burgorum ſubſcriptorum, de duobus Civibus ſive Burgenſibus mittendis, ſub eadem data, *viz.*

Majori & Ballivis Civitatis Karliol.
Majori & Ballivis ville Novi Caſtri ſuper Tynam.
Majori & Ballivis Civitatis Eborum.
Majori & Ballivis Ville de Kingeſton ſuper Hull,
Majori & Ballivis Civitatis Lincoln.
Majori & Ballivis Ville Cauntebrigg.
Ballivis Ville de ſancto Botho (Botolph.)
Ballivis Civitatis Norwich.
Majori & Ballivis de Briſtol.
Majori & Ballivis Ville Southampton.
Majori & Ballivis Ciceſtr.
Ballivis Magne Jernemuth.
Ballivis de Gippewico.
Majori & Ballivis de Lenn.
Majori & Ballivis Civitatis Wynton.
Majori & Ballivis Glouceſtr.
Majori & Ballivis Civitatis Sarum.
Majori & Ballivis Civitatis Exon.

Ma-

Majori & Ballivis Bathon.
Majori & Ballivis Wellen.
Majori & Ballivis de Coventr.
Majori & Ballivis de Lichefeld.
Majori & Ballivis Civitatis Wigorn.
Majori & Ballivis Civitatis Hereford.
Majori & Ballivis Villæ Northampton.
Majori & Ballivis Civitatis Cantuar.
Majori & Ballivis Civitatis Roffen.
Majori & Ballivis Bedford.
Majori & Ballivis de Bokingham.
Majori & Ballivis Oxon.
Majori & Ballivis Elien.
Majori & Ballivis Notingham.
Majori & Ballivis Derb.
Majori & Ballivis Salop.
Majori & Ballivis Stafford.
Majori & Ballivis Warwick.
Majori & Ballivis Leicestr.

The things most observable from these writs are these.

1. That in the margin of the Roll, these writs are stiled *Summonitio Consilii*: that the word *Parliamentum* is not mentioned in them, but *Colloqu. & Tractatum*, and in the Prologue to the printed Statute of the Staple, 27 *E.* 3. it is styled, **Our great Counsel at Westminster.**

2ly. That both the Arch-bishops, all the Bishops, Abbots, Priors, Earls, Temporal Lords, and Kings Counsel usually summoned to former Parliaments, were summoned to this *Great Council, and* 2 *Citizens and Burgesses out of every City, and chief, (but not* *petty) *Borough, by special* Writs issued to their *Maiors and Bailiffs only*, not to the Sheriffs of Counties as usually; and yet but *one Knight out of every County, and one Baron out of every of the Cinqueports was summoned thereunto*: which is thus expressed in the very printed Prologue to the *Statute of the Staple* made therein, Anno

* Not one out of Cornwall.

27 E. 3. 1353. *Whereas good deliberation had with the Prelates*, Dukes, Earls, Barons, and Great men of the Counties, *that is to ſay, of every County one (Knight) for all the County, and of the Comment of Cities and Boroughs of our Realm of* England *ſummoned to our* Great Counſel, *&c.*

3ly. *That the principal cauſe of ſummoning this* Great Counſel, *was the ſetling of the Staple for* England, Wales, *and* Ireland, *and making Laws and Ordinances for the ſame, by the Counſel and* common aſſent *of the ſaid Prelates, Dukes, Earls, and Barons, Knights and Commons*, as the *Prologue* to the *Statute* of the *Staple* made therein, and the Statute it ſelf reſolves us: which principally concerned Cities and Boroughs.

4ly. That the Knights, Citizens, Burgeſſes, and Barons to be elected and ſent thereto, were limited to be, *De diſcretioribus & magis expertis Militibus, &c.* and to have *plenam & ſufficientem poteſtatem ad tractand. conſulend. & conſentiend. &c.* as in the precedent writs.

5ly. That the number of the Cities and Boroughs to which ſpecial writs iſſued were 37. beſides *London*, and the Cinque-ports, entred promiſcuouſly without any alphabetical or other order, as the Clerks pleaſed, but none out of *Cornwall* or ſmall Boroughs.

6ly. That in 28 E. 3. a Parliament was ſummoned for *confirmation of the Ordinances and Statutes for eſtabliſhing the Staple made in this Great Councel, wherein they were confirmed, with certain Declarations and Additions, to be firmly kept and holden for a Statute to endure for ever*, as the printed Act of 28 E. 3. c. 13. the Parliament, and Statute rolls inform us. Therefore no binding Acts till then.

§ 4. The next Writs for electing Knights, Citizens and Burgeſſes, are in Clauſ. 28 E. 3. dorſ. 26. the writ to the Sheriffs are, *duos Milites, duos Cives, & duos Burgenſ. de diſcretioribus, & prowes & ad laborand. potentioribus, qui non ſunt placitatores, querelarum manutentores, aut ex hujuſmodi quæſtu viventes, ſed homines valentes & bonæ fidei, ac publicum*

licum commodum diligentes eligi, &c. (as in clauſ. 24 E. 3. *pars* 2 dorſ. 3. forecited,) and thoſe in clauſ. 29 E. 3. dorſ. 8. are both the ſame with theſe in all clauſes, except in their dates, and the dayes, places of the Pailiament, though the writs of Prorogation Dorſ. 7. vary from them, having *duos Milites gladiis cinctos, &c de diſcretioribus, & probioribus Militibus, &c. & ad laborand. potentioribus*, only in them.

Clauſe 31 E. 3. *dorſ.* 21. The writs, to the Sheriffs are only, *Duos Milites, duos Cives, & duos Burgenſes, de diſcretioribus, probioribus Militibus, Civibus, & Burgenſibus, & ad laborand. potentioribus*, with a *ſeu propter improvidam electionem, &c.* in the *IIa quod, &c.* which clauſe is in the writ to the Warden of the Cinque-ports, entred after thoſe to Sheriffs. But the writs to the Sheriffs, *dorſ.* 2. of this Roll run thus. 25

Rex, Vic, *Kanc. &c.* Tibi præcipimus firmiter injungentes, quod de Com. tuo duos Milites, gladiis cinctos, & de qualibet Civitate. com. illius duos Cives, & de quolibet Burgo. duos Burgenſes, de diſcretioribus & probioribus Militibus, Civibus, & Burgenſibus, com. comitatuum & Burgorum eorundem, et de elegantioribus perſonis eligi, &c. Ita quod, &c. ſeu propter improvidam electionem Militum, Civium, aut Burgenſium prædictorum, dicta negotia noſtra infecta nō remaneant, &c. Et habeas ibi nomina prædictorum, Militum, Civium & Burgenſium, & hoc breve. Et ſcire facias eiſdem, quod propter arduitatem negotiorum prædictorum & celeriorem expeditionem eorundem, volumus primo die Parliamenti perſonaliter intereſſe, per quod nolumus, nec intervimus aliquem ad dictum Parliamentum ſummonitum quin eodem primo die perſonaliter interſint, habere ullo modo excuſatum, ſeu excuſationem inde admittere aliqualem. Teſte ut ſupra. Nota.

Conſimilia brevia diriguntur ſingulis Vicecomitibus per Angliam, nec non *Henrico Duci Lancaſtr.* vel ejus locum tenenti, ſub eadem data In-

In theſe writs I obſerve, 1. A new qualification, *De elegantioribus perſonis* in no writs elſe before or after. 2ly. An unuſual clauſe in the cloſe of them; ſtrictly requiring every perſon ſummoned to this *Parliament*, to be perſonally preſent at it on the very firſt day thereof without any excuſe. An infallible Argument and clear evidence, that all Members of Parliament duly elected or ſummoned, ought perſonally to appear therein at the * very firſt day, and none of them to be ſuſpended, ſecluded, ejected by their Fellow-Members, or others. 3ly. That no excuſes ought to be admitted for the non-attendance of Perſons duly ſummoned to Parliaments. 4ly, That the King alone is and ought to be the principal Judge of Members excuſes for abſenting from Parliament, & the only Perſon who can and ought to diſpence with their non-attendance, ſince the Parliament is his Parliament, Court, Council, ſummoned only by his Writs and Precepts, for his and the publick buſineſſes; not the Lords or Commons, who cannot diſpence with abſent Members without or againſt his conſent.

* See here p. 41, 42, 43, 44, 45, 47, 48, 49, 54, 56, 59.

26 In *Clauſ.* 34 *E.* 3. *dorſ.* 4. there is this new addition in the Writs to Sheriffs.

Rex Vic. Kanc. *&c. Quod de Com. tuo duos Milites, &c. de diſcretioribus, & probioribus Militibus, Civibus, & Burgenſibus, &c. Ita quod* iidem Milites in pleno Comitatu tuo eligentur, *& plenam & ſufficientem poteſtatem pro ſe, &c. Ita quod, &c. ſeu propter improvidam electionem Militum, &c.* with a *Scire facias eiſdem quod propter arduitatem negotiorum prædictorum & celeriorem expeditionem eorundem, &c.* as in the laſt preceding Writs; but in the writs in this Roll, *Dorſe* 35. to another Parliament this year, theſe new clauſes are left out.

27 In the Clauſe roll, *anno* 36 *E.* 3. *d.* 16. there is this obſervable variation in the writs to Sheriffs.

Rex Vic. Kanc. &c. *Quia ſuper quibuſdam arduis, &c. Parliamentum noſtr. apud Weſtm. &c. tenere ordinavimus & cum*

cum Prælatis, Magnatibus, & Proceribus dicti Regni Colloquium habere & Tractatum. Tibi præcipimus, &c. Quod de Com. prædicto duos Milites, &c. de diſcretioribus, Potioribus et Validioribus Militibus, Civibus, & Burgenſibus eligi, & eos ad dictum diem & locum venire faceas. Ita quod iidem Milites pro ſe & communitate Com. prædicti, dictique Cives & Burgenſes pro ſe, &c. plenam & ſufficientem poteſtatem ab ipſis communitatibus habeant, ad conſentiend. his quæ per Nos ac dictos Prælatos, Magnates et Proceres ordinari contigerit favente Domino. Et hoc ſicut te indemnem ſervare voluerit, nullatenus omittas, & habeas ibi nomina Militum, &c.

The writ to the Warden of the Cinqueports runs likewiſe in this form, *de quolibet Portu portuum prædictorum duos Barones de melioribus, validioribus, & diſcretioribus Baronibus*: without any other variation from the uſual form. The ſelf ſame cluſes are in both theſe writs in *Clauſ.* 37 E. 3. dorſ. 22. clauſ. 38 E. 3. dorſ. 3. clauſ. 39 E. 3. d. 2 clauſ. 42 E. 3. dorſ. 22. & clauſ. 43 E. 3. dorſ. 24. all in the ſelf-ſame form and words. 28

From theſe writs it is obſervable, 1. That the *beſt, ableſt, and diſcreeteſt Knights, Citizens, Barons*, ought to be elected and ſummoned to Parliaments, and that the King may command, require ſuch to be choſen by his writs, without any prejudice to, or intrenchment upon the peoples libertie and freedome in elections, who are obliged in prudence, reaſon, duty, conſcience, only to elect ſuch perſons. 2ly. That all Knights, Citizens, Burgeſſes, Barons of Ports ought to have full and ſufficient authority from the Commonalties who elect them, both for themſelves and them, to conſent to thoſe things which the King, Lords, and Nobles ſhall ordain in Parliament, concerning the great and weighty affairs of the Realm. 3ly. That the power of decreeing and ordaining things in Parliament, whether publick or private, reſided principally, if not ſoly in the King and Lords, and of aſſenting

to

to them, in the knights, Citizens, Burgeſſes and Barons of the Cinque ports in their own and the Commons behalf. 4ly. That Sheriffs may be juſtly puniſhed and cenſured by the King for neglects, or miſcarriages in elections of Knights, Citizens and Burgeſſes.

The Writs for elections iſſued to Sheriffs in Clauſ. 19 37 E. 3. d. 22. cl. 38 E. 3. d. 3. cl. 39 E. 3. d. 2. cl. 42 E. 3. d. 22. & cl. 43 E. 3. d. 24. run all in the ordinary form, *Quod de Com. prædicto duos Milites, &c. de melioribus, valentioribus*, or *validioribus*, or *valentioribus & diſcretioribus Militibus, Civibus & Burgenſibus Com. Civitatum & Burgorum prædictorum eligi, &c. faciat.* The original Writs for elections *An.* 42 E. 3. are yet extant in a looſe unfiled bundle, with their ſeveral returns indorſed on, or annexed to them; where the Knights, Citizens and Burgeſſes elected and returned, are in the returns ſaid to be, *de melioribus, valentioribus et diſcretioribus Militibus, Civibus et Burgenſibus* of the reſpective Counties, Cities, Boroughs, for which they are returned; and to have *plenam et ſufficientem poteſtatem pro ſe et communitate dicti Com. Civitatis*, or *Burgi* (reſpectively) *ad conſentiendum biis quæ in inſtanti Parliamento contigerit ordinari.*

I ſhall here preſent you with this brief abſtract of the Writs and the ſeveral returns then made.

Bundle 42 E. 3. *Rex, &c. Duos Milites, &c. de melioribus, valentioribus & Diſcretioribus Militibus, Civibus & Burgenſibus Com. Civitatum, et Burgorum prædictorum eligi,* &c. Teſte meipſo apud Weſtm. 24 die Febr. Anno Regni noſtri 42.

1 *Weſtmerland.* Nomina Militum de Com. *Weſtmerl: Henr: de Crowehld* ſenior, *Johes: de Preſton.* Nomina Burgenſium de *Appelby, &c.* Sir *Thomas de Strickland* Vic.

2 *Wiltes.* Ego *Walterus Haywode* Vic. vobis ſic reſpondeo prout patet inferius et in Cedula huic conſut.

Pro Burgenſibus Burgorum *de la Vize, Marlebergh,* & *Malmesbury*, ego dictus Vic. vobis ſignifico, quod mandavi *Willo: Baggeſwych*, Ballivo libertatis *Pbe.* Reginæ

ginæ Angliæ, cui executio hujus brevis pro dictis Burgenſibus venire fac. pertinet faciend: qui quidem Ballivus michi nullum inde dedit reſponſum.

Et pro Burgenſibus Burgi de *Bedewpride*, ego dictus Vic. vobis ſignifico, quod mandavi *Johi Hemmede* Ballivo Libertatis *Radi.* Comitis *Stafford* de Hundredo ſuo de Kynnwardeſton, cui executio hujus brevis pertinet faciend. pro dictis Burgenſibus venire fac. &c. Qui quidem ballivus michi nullum inde dedit reſponſum.

Two Knights for the County, two Citizens for *New Sarum*, two Burgeſſes for old *Sarum*, two Burgeſſes for *Wilton* are returned by the Sheriff, with two manucaptors names for each of them.

Two Knights, with two manucaptors. Nullæ ſunt Civitates infra ballivam meam. Nomina Burgorum *Dounhenedbungh* 2. *Liskyeddurgh* 2. *Laſtwythiel* Burgh 2. *Trurou* Burgh 2. *Helleſtonburgh* 2. *Bodmynburgh* 2, Burgeſſes, with two manucaptors apeece. 3 *Cornub.*

Berks, two Knights, *Redyng*, *Walyngford* two Burgeſſes for each, with two manucaptors for every of them. 4 *Berks.*

Two Knights; *Wycombe* 2. Burgeſſes, with two manucaptors returned for every of them. 5 *Bucks.*

Two Knights, *Coleceſtre* two, *Maldon* two Burgeſſes, all having two manucaptors but the laſt Burgeſs for *Maldon*, who hath none. 6 *Eſſex.*

Nomina Militum Com: *Glouceſtr:* elect. *Iohes: Tracy*, *Iohes: Poyns*, qui manucapti ſunt per two only. Nomina Burgorum Villæ *Glouc.* 2. pro Villa *Briſtol* 2. having but two manucaptors for both. 7 *Glouc.*

Knights two, Citizens two for *Cant.* two for *Rocheſter*, with two manucaptors apeece. No Burgeſſes. 8 *Kanc.*

Knights two, Burgeſſes two for *Leiceſtr.* two manucaptors returned for each. *Non ſunt plures Civitates vel Burgi infra Com: predict.* 9 *Leic.*

Knights two, Burgeſſes two, for *Derbe*, with two manucaptors for each. 10 *Derbe.*

11 *Roteland.* Knights two, with two manucaptors apeece. *Non ſunt in eadem Balliva aliqua Civitas, nec Burgus.*

12 *Hertford.* Knights two only returned with two manucaptors, no Burgeſſes for *Hertford*, or *St Albans*.

13 *Notyngham.* Knights two, Burgeſſes two, for *Notyngham*, with two manucaptors for each.

14 *Warwycke.* Knights two, Burgeſſes 2. for *Warwycke*, with two manucaptors for every of them. *Non ſunt plures Civitates nec Burgi infra Com. prædict.*

15 *Surr. & Suſſex.* Vic. *Surry et Suſſex*: There was then but one Sheriff for both theſe Counties, who had two writs, filed and returned together for both Counties, in one Cedula Knights two for *Surrey*: Burgeſſes for *Guldeford* 2. *Ryegate* 2. *Suthwerke* 2. *Blecchynglegh* 2. with two manucaptors for every of them. *Suſſex*, two Knights, Cives *Ciceſtria* two, Burgenſes *Arundel* 2. *Horſham* 2. *Eſtgrenſtede* 2. *Lewes* 2. *Shorham* 2. *Stenyng and Brembre* 2. with two manucaptors apeece.

16 *Hereford.* Knights 2. Cives 2. for *Hereford*, Burgenſes *Leominſtre* 2. with two manucaptors for each

17 *Devon.* Knights two, Cives *Exon.* two, Burgenſes *Dertemuth* 2. *Totnes* 2. *Plympton* 2. *Tavyſtoke* 2. *Cheſing Collyton* 2. *Barnſtable* 2.

18 *Oxon.* Knights two, Burgeſſes two for *Oxon*, vvith two manucaptors for each.

19 *Bedford.* Knights two, Burgeſſes two for *Bedford*, with two manucaptors.

20 *Somerſet & Dorſet.* *Somerſet* and *Dorſet* had but one Sheriff for both Counties, yet two Writs, which are filed and returned in one *Cedule*. *Somerſet*, Knights two, Burgenſes Villæ de *Brigge-water* 2. de *Taunton* 2. two manucaptors for each. *Dorſet*, Knights 2. Burgenſes *Brideport* 2. *Dorcheſtre* 2. *Waymouth* 2. *Melcomb* 2. *Warham* 2. Villæ de la *Poule* 2. with two manucaptors for each.

21 *Lincolne* Knights two, Cives *Lincoln* two. Burgenſes *Grymesby* 2. with tvvo manucaptors apeece.

22 *Norff. & Suff.* *Norfolk* and *Suffolk* had tvvo Writs, but one Sheriff, vvho returned them both together. *Norff.* Knights 2. Cives

Cives *Norw.* 2. Burgeſſes, 2. *Len:* epiſcopi, with two manucaptors; magnæ *Jernemuth.* 2. *Suff.* Knights two, Burgenſes villæ *Gippewic.* 2. *Donewich.* nullum dedit reſponſum.

Two Knights, and two Burgeſſes, for *Northampton.* without any manucaptors returned for either. 23 *Northt.*

Two Knights, Cives *Wygorn.* with two manucaptors for each, *Non ſunt in Balliva mea alii Civitates vel Burgi.* 24 *Wigorn.*

Milites two, Cives two, *Karliol.* without any manucaptors, *Non ſunt plures Civitates, nec aliqui Burgi in Balliva mea.* 25 *Cumbr.*

Knights two, Cives two, for *Wynton,* Burgenſes, *Porteſmouth.* two. 26 *Southton.*

Four Citizens returned without any manucaptors. 27 *London.*

Two Knights, with two manucaptors, Cives two, *Ebor.* Burgenſes *Scardeburg* 2. *Kingeſtone* 2. with two manucaptors for each. 28 *Ebor.*

Two Knights, with two manucaptors, and two Burgeſſes for *Stafford.* 29. *Stafford.*

All the reſt of the writs, during the reign of King *Edward* the 3d. but thoſe of 42. are loſt, miſlay'd, or through careleſneſs lye (as many other Records ſtill do) in a confuſed heap in the white *Tower* quite neglected, over-ſpread with cobwebs, duſt, mothes, and cankers, being never yet reduced into order, through the ſloathfulneſſe or negligence of thoſe who ſhould preſerve and digeſt them into a uſefull regulation for the publique benefit of the preſent and future Ages.

The writs for elections to the Sheriffs in clauſ. 44 E. 3. *dorſo.* 12. are thus altered in form, from the laſt writs, in ſome particulars of note.

Rex Vic. *Kanc.* ſalutem. Quia ſuper quibuſdam arduis & urgentibus negotiis Nos & ſtatum & defenſionem Regni noſtri Angliæ, ac jura Coronæ noſtræ concernentibus, Parliamentum noſtrum apud *Weſtm.*

die Lunæ in prima Septimana Quadrageſimæ, viz. in feſto ſancti *Mathie* Apoſtoli tenere ordinavimus, & cum Prælatis, Magnatibus & Proceribus dicti Regni Colloquium habere & Tractatum. Tibi præcipimus firmiter injungentes, quod de Com. prædicto duos Milites gladiis cinctos, et in armis et actibus armorum magis probatos et circumſpectos et diſcretos, & de qualibet Civitate ejuſdem com. duos Cives, & de quolibet Burg. duos Burgenſes de melioribus & validioribus, & diſcretioribus Militibus, Civibus & Burgenſibus, Comitat. Civitatum & Burgorum prædictorum eligi, & eos uſque *Weſtm.* die Sabbati in feſto ſancti *Petri* ad Cathedra prox. futur. venire facias ibidem, et tunc durante Parliamento prædicto continuè moraturos, ita quod iidem Milites pro ſe, & communitate Com. prædicti, dictiq; Cives & Burgenſes pro ſe, et communitate Civitatum & Burgorum prædictorum plenam & ſufficientem poteſtatem, ab ipſis Communitat. habeant ad conſulend. et conſentiend. his quæ per Nos et dictos Prælatos, Magnates et Proceres fieri et ordinari contigerit, *favente Domino* ſuper negotiis antedictis. Et hoc ſicut teipſum indemnem ſervari volueris nullatenus omittas. Et habeas ibi nomina Militum, Civium & Burgenſium & hoc breve. Teſte Rege apud *Weſtminſter. octo die Januarii.*

Conſimilia brevia diriguntur ſingulis Vicec. per Angliam.

From whence it is obſervable, 1. That in times of war and danger when Parliaments are ſummoned for the neceſſary defence of the Realm, and Rights of the Crown; Knights who are moſt approved, skilfull, circumſpect, and diſcreet in matters of Arms and war, and the *beſt, ableſt, and wiſeſt men* may be preſcribed by the Kings writs to be elected in ſuch general terms as theſe, and are fitteſt to be choſen by the Commonalty in all Counties. 2ly. That Knights, Citizens, and Burgeſſes when elected and ſummoned

to

to Parliaments, ought not only to be admitted freely into, but to continue conſtantly in them without ſuſpention, ejectiõ by their fellow Members, or others, & not to depart from them 3ly. That none can licenſe or diſpence with their departures from Parliament but the King, or at leaſt with his privity or conſent. 4ly. That Knights, Citizens, Burgeſſes, are to conſult and adviſe well together of all publick buſineſſes propounded to them, or ordained by the King and Lords, before they aſſent unto them. 5. That they ought to have full and ſufficient power from the Commonalty as well to conſult of as conſent to them.

There are no writs of Summons to a new Parliament extant in the Rolls of 45 E. 3. but this memorable Summons only of *half the Knights, Citizens, and Burgeſſes elected and returned* the laſt Parliament before, pertinent to my Theam, and very obſervable, which I ſhall here tranſcribe at large for its rarity, out of clauſ. 45 E. 3 m. 21 dorſ. 30

Rex Vic. *Kanc.* ſalutem, Cum Comites, Barones, Magnates & Communitas Regni noſtri *Angliæ* in ultimo Parliamento noſtro apud *Weſtm.* tento, in auxilium expenſarum quas tam pro ſalvatione & defenſione Regni noſtri *Angliæ* & Navigii ejuſdem Regni, quam pro expeditione guerræ noſtræ Franciæ nos facere oportebit, conceſſerint nobis quoddam ſubſidium viginti & duorum ſolidorum & trium denariorum levand. & percipiend. de qualibet Parochia dicti Regni. Ita quod quælibet Parochia majoris valoris auxilians ſit & contributoria alteri Parochiæ minoris valoris juxta ratum; ea intenſione quod dictum ſubſidium ad ſummam, quinquaginta millium librarum ſe attingeret. Et quia habita ſuper levatione ſubſidii prædicti per Nos & Conſilium noſtrum deliberatione diligenti, videtur eidem Conſilio, quod dicti viginti et duo ſolidi, & tres denarii de qualibet parochia dicti Regni ſic levandi, ad dictam ſummam quinquaginta millium librarum per multum non attingunt; & ſic

De venire faciend. Milites, Cives & Burgenſes apud Wynton.

ve-

veriſimiliter formidatur, quod nobis de dicta ſumma quinquaginta millium librarum ad terminos ſtatutos juxta intentionem conceſſionis prædictæ reſponderi non poteſt. Nos volentes plenius informari ſuper declaratione intentionis conceſſionis ſubſidii prædicti, qualiter levatio ejuſdem celerius fieri poſſit, & conſiderantes, quod oneroſum eſſet omnes Magnates, Milites, Cives & Burgenſes, qui ad dictum Parliamentum noſtrum de mandato noſtro venerant, iterum ex hac cauſa convenire; ordinavimus, ut laboribus parcatur et expenſis, cum quibuſdam eorundem Magnatum, Civium et Burgenſium prædictorum ſuper præmiſſis Colloquium habere et Tractatum. Tibi præcipimus firmiter injungentes, quod *Thomam Apuldrefeld* unum Militum Com. prædicti, *Edmundum Horne*, Vnum Civium Civitatis *Cantuar.* et *Johan. Fyncbenfeld* unum Civium Civitatis *Roffen*, qui pro communitate Com. & Civitatum prædict. ad dictum Parliamentum de mandato noſtro venerunt, ſi ſuperſtites fuerint, alioquin ſocios ſuos qui cum eis de veniendo ad Parliamentum prædictum electi fuerunt, præmunire facias; quod ipſi omnibus aliis prætermiſſis, & quacunque excuſatione ceſſante, in propriis perſonis ſuis ſint apud *Wynton*, in Octabis *ſanctæ Trinitatis* prox. futur. ad informand. Nos & dictum Conſilium noſtrum, ſuper modo & forma quibus Nobis de de dicta ſumma quinquaginta millium librarum celerius & commodius, juxta intentionem conceſſionis prædictæ poterit reſponderi. Et interim diligenter inquires de numero Eccleſiarum Parochialium & Capellarum & Præbendarum in Com. prædicto, tam in manibus Secularium quam religioſorum exiſtentium, et Nobis de nominibus eorundem, ac de nominibus Militum et Civium prædictorum ad dictos diem et locum diſtincte et aperte certifices, hoc breve Nobis remittens. Et hoc nullatenus omittas. T. R. apud *Weſtm.* 27 die *Aprilis*.

Conſimilia Brevia diriguntur Vicecom. ſubſcriptis

ſciptis de præmuniendo Milites, Cives, et Burgenſes ſubſcriptos de Com. Civitatibus et Burg. ſubſcriptis, de veniendo apud *Wynton*: ad Octabas prædictas, ſub eadem data, *viz.*

Vic. *Surr.* de præmuniendo *VVillum.* de *Cobeham* militem, *Thomam Dane* Burgenſem de *Sutbwerk*, *Petrum Somere*, Burgenſem de *Guildeford*, et *Johan. Bodekeſham* Burgenſem de *Blecchynlegh.*

Vic. *Suſſex*, de præmuniendo *Johan VValeys* militem, *Johan. VVyn*, Civem *Ciceſtr. Henr. Exton* Burgenſem de *Midburſt*, *Johan. Goſham* Burgenſem de *Arundel*; *VVillum Snelling* Burgenſem de *Sborham*, *Robtum*, *Frenſcb* Burgenſem de *Horſham*, *Henr. VVerkeman* Burgenſem de *Lewes*, *Johan. Chapman* Burgenſem de *Seford*, *Gregorium Attebole* Burgenſem de *Eſt-Greneſtede.*

Vic. *Soutbt.* de præmuniendo *Bernardum Brocas* militem, *Stephanum Hayne* Civem *VVynton*, *VVillum. Bacun* Burgenſem *Sutbampton*, *Robertum Lekford* Burgenſem de *Porteſmuth.*

Vic. *VVilts*, de præmuniendo *Laurentium de ſancto Martino* militem, *Johan. Bont*, Civem *Nove-Sarum*, *VVilliam de Keyneſham* Burgenſem de *Malmesbury.*

Vic. *Somerſet.* de præmuniendo *Johan.* Beauchamp de *Lillesdon* militem, *Johan. VVbittokeſmede* Civem Bathon. *Johan. Ropere* Civem de *VVelles*, *Johan. Osbern* Burgenſem de *Taunton*, *Adam Beſt* Burgenſem de Br iggewater.

Vic. *Dorſet.* de præmuniendo *VValterum Perle* militem, *Johan. Chicheſtre* Burgenſem de *Melcombe*, *Robertum Oſent*, Burgenſem de *Lym*, *Ricum Suward* Burgenſem de *Bridport*, *Johan. Champeon* Burgenſem de *Dorcheſtre*, *VVilliam Chike* Burgenſem de *VVarbam*, *VValter Henle* Burgenſem de *Shaftesbury.*

Vic. *Devon.* de præmuniendo *VVillam Bonevill* militem, *Johan. Paſford* Burgenſem de *Dertemouth*, *Hugonem VVerf* Burgenſem *Totton*, *Johan. Combe* Burgenſem

ſem de *Plympton*, *Johan. Boſoun* Civem *Exon*, *Ricum. Cokeleſcombe* Burgenſem de *Tavyſtoke*, *VVillum: Torner* Burgenſem de *Barnſtaple*.

Vic. *Cornub.* de præmuniendo *Johan. Trevewyth* militem, *Richardum Truiſa* Burgenſem de *Donbenedburgh*, *Johan. Jewel* Burgenſem de *Bodmyn*, *Ricum. Carſur* Burgenſem de *Loſtwythiell*, *Stephum. Chamberleyn* Burgenſ. de *Linkird*, *Willum. Boyvill* Burgenſem de *Truru*, *Johan. Tremaen* Burgenſem de *Helleſton*.

Vic. *Glouc.* de præmuniendo *Johan. Poynes* Militem, *VVilliam Heyberere* Burgenſem *Glouc.* *Johan. Bathe* Burgenſem *Briſtoll*.

Vic. *Hereford*, de præmuniendo *Thomam Chaundos* Militem, *Henr. Cachepol* Civem *Hereford*, *VVillum. Tavernor* Burgenſem de *Leomynſtre*.

Vic. *Salop.* de præmuniendo *Robertum de Kendale* Militem, *Thomam le Skynnere* Burgenſem de *Salop*, *Nichum. Palmere* Burgenſem de *Briggenorth*.

Vic. *Staff.* de præmuniendo *Johan. de Perton* Militem, *Hugonem Snell* Burgenſem de *Stafford*, *Rogerum Leys* Burgenſem villæ *Novi Caſtri ſubtus Lymam*.

Vic. *VVygorn.* de præmuniendo *Ricum. Fiton* Militem, et *Johan. Croule* Civem *VVygorn*.

Vic. *Oxon*, de præmuniendo *Rogerum de Cotesford* Militem, *VVillum. Coteſhale* Burgenſem *Oxon*, *Johan. James* Burgenſem de *Walyngford*.

Vic. *Berks*, de præmuniendo *Johan. de Foxle* Militem, et *VVillum. Cateur* Burgenſ. de *Redynges*.

Vic. *Bedf.* de præmuniendo *Thomam Reynes* Militem, et *Ricum. Freeman* Burgenſ. de *Bedeford*.

Vic. *Buk.* de præmuniendo *Fulconem de Bermyngeham* Militem, et *Willielmum atte Dene* Burgenſ. *de Wycombe*.

Vic. *Northt.* de præmuniendo *Thomam de Preſton* Militem, et *Johan. de Bukbrok* Burgenſem de Northampton.

Vic. *Roteland*, de præmuniendo *Laurencium Hanberk* Militem.

Vic.

Vic. *Warr.* de præmuniendo *Iohan. Peyto* Militem, et *Thomam Parny* Burgenſem de *Warwick.*

Vic. *Leyc.* de præmuniendo *Willielmum Flamvil* Militem, et *Willielmum Taillard* Burgenſem villæ de *Leyceſtre.*

Vic. *Notyngh.* de præmuniendo, *Rogerum Belers* Militem, et *Rogerum de Holm* Burgenſem de *Notyngham.*

Vic. *Derb.* de præmuniendo *Godefredum Foliambe* Militem, et *Iohan. Frowell* Burgenſem de *Derby.*

Vic. *Lincoln* de præmuniendo *Robertum Hanley* Militem, *Iohan de Outhorp* Civem *Lincoln*, *Ricard. de Herby* Burgenſem de *Grymesby.*

Vic. *Eborum*, de præmuniendo *Robertum Rouclyf* Militem, *Willielmum Graa* Civem *Ebor.* *Henr. de Boſton* Burgenſem de *Scardeburgh*, *Walterum Froſt*, Burgenſem de *Kingeſton ſuper Hull.*

Vic: *Northumbr.* de præmuniendo *Alanum de Heton* Militem, et *Laurencium Datton* Burgenſem villæ *Novi Caſtri ſuper Tynam.*

Vic. *Weſtmerl.* de præmuniendo *Hugonem de Loutbre* Militem, *Robertum Overdos* Burgenſem de *Applebey.*

Vic. *Cumbr.* de præmuniendo *Gibbertum Culwenne* Militem, et *Iohan. de Whitlawe* Civem *Karliol.*

Vic. *Lancaſtr.* de præmuniendo *Iohan. de Ipres* Militem.

Vic. *Norff.* de præmuniendo *Edmundum de Thorp* Militem, *Iohan. Latymer* Burgenſem *Norwic.* *Thomam de Bodekeſham* Burgenſem de *Lenn*, et *Iohan. de Halle* Burgenſem *Magnæ Iernemuth.*

Vic. *Suff.* de præmuniendo *Rogerum de Boys* Militem, *Robertum de Preſton* Burgenſem de *Gippewico.* *Iohan. Aſtell* Burgenſem de *Donewich.*

Vic. *Cantebr.* de præmuniendo *Iohan. Chens* Militem, et *Iohan. Morys* Burgenſem *Cantebrig.*

Vic. *Hunt.* de præmuniendo *Nich. Stynecle* Militem, et *Willielmum Wyghtman* Burgenſem de *Huntyngdon.*

Vic. *Eſſex.* de præmuniendo *Robertum de Marny* Militem, *Iohan. Halle* Burgenſem de *Colcheſtre*, et *Williel-mum Halle* Burgenſem de *Malden.*

Vic. *Hertf.* de præmuniendo *Thomem. de Fytlyng* Mil.

Vic. *Midd.* de præmuniendo *Iohan. Pekbrugge*, Milit.

Ric. de *Pembrugg* Conſtabular. caſtri Regis *Dover*, de præmuniendo *Nichum. Parker* de *Haſtynges*, *Robertum Baddyng* de *Wenchelſe*, *Willum. Taillour* de *Rye*, *Willum. Holynbroke* de *Romene*, *VWillum. Hampton* de *Heſhe*, *Monyn* de *Davorr*, *Arnaldum Broun* de *Sandwic.* Barones

Vicomitibus *London* de præmuniendo *Bartholomeum Friſſing*, et *Iohan. Phelipot* Cives *London.*

In this excellent Record, we have theſe obſervable particulars.

1. Particular writs to all Sheriffs and the Warden of the Cinqueports, after the Parliament ended and diſſolved, to ſummon to *VVincheſter* only half the *Knights*, *Citizens*, *Burgeſſes*, and Barons of the Cinque-ports formerly ſummoned to the Parliament at *London*, to appear before the King and his Counſel, with their particular names in the writs, and a ſpecial clauſe to ſummon their companions in caſe any of them ſince dyed; and that to avoid the great expence and trouble of ſummoning all the reſt. aly. The reaſons why they are thus ſummoned, not to make Laws, nor grant new ſubſidies, nor alter any thing formerly agreed upon and paſſed by common conſent in Parliament, for that had been very illegal, dangerous, unparliamentary; but only to inform the King and his Counſel, how a ſubſidy of fifty thouſand pounds granted to the K. by that Parliament in an intire ſum, and then to be rayſed by a proportionale rate layd by them upon every pariſh throughout the Realm, might be ſpeedily and fully raiſed according to their intentions by this way of levy; when as the King and his Counſel upon conſideration found, that the intire ſum could not be rayſed in this way according to their intentions, but would fall far ſhort of their computati-

on,

on, there being not ſo many Pariſhes in *England* as they conceived. 3ly. That the Commons and whole Parliament may ſometimes miſtake and erre in their computations and proceedings. 4ly. That no Subſidies or Aydes can be granted or levyed for the neceſſary defence of the Realm by Sea or land, nor the way and manner of rayſing them altered but in and by common conſent in a full Parliament. 5ly. That in doubtfull grants of Subſidies and Acts of this nature, mentioned in this Writ, the beſt and ſpeedyeſt way to reſolve the doubts, and know the true intention of them, is to confer with thoſe Members who firſt granted and paſſed them. 6ly. We have here the particular names of all the antient Cities and Boroughs in each County, and of the Cinque-ports, which in that Age ſent Citizens, Burgeſſes and Barons to the Parliament, being one of the fulleſt Records for this purpoſe I have ſeen, and more exact than any Rolls or Writs for levying their expences. 7ly. Here are the names of half the Knights, Citizens, Burgeſſes, and Barons of the Ports ſummoned to this Parliament, who had writs for their expences granted them in repairing to *VVinchester* by vertue of this Writ, as Dorſe 22. of this Roll imports, of which more in its proper place. 8ly. The Sheriffs are required to enquire and certifie the number of all the Pariſh Churches, Chappels, Prebends in their reſpective Counties.

The writs to Sheriffs in Clauſ. 46 E. 3. dorſe 11. are only in the uſual form. Quod de Com. tuo duos 33
Milites de diſcretioribus & probioribus Militibus, Civibus, Burgenſibus, &c. & ad laborand. potentioribus eligi, &c. ad faciend. & conſentiend. hiis quæ tunc de communi Conſilio Regni noſtri ordinari contigerit, &c. Ita quod, &c. ſeu propter improvidam electionem Militum, &c. as in former writs. In this Parliament upon complaint made of Sheriffs and other unfitting perſons elected Knights of Shires,

this inſuing Ordinance, was made to rectifie theſe abuſes to diſable the election of ſuch for the future.

32 See my Epiſtle to the exact Abridgment of the Records in the Tower.

Rot. parl. an. 46 E. 3. n. 13. Auxi un Ordenance fait en meſme la Parlement fuit iuez, en manere come enſuet. Pur ceo que Gentz de Ley que purſuont diverſes buſoignes en les Courts le Roy pur ſinguleres perſones ouе queux ils ſont procurent, & font mettre pleuſeurs Petitions en Parlementz en nom des communes que riens lour touche, mes ſolement les ſinguleres perſones, ou queux ils ſont de moiez. Auxi Viſcontz, que ſont Comunes Miniſtres au people, et devient demurrer ſur lour Office pur droit faire a chacune, ſont nomez, et ont devant ces heures retornez en Parlementz, Chivalers des Countees per meſmes les Viſcontz; Eſt accorde & aſſenta en ceſt Parlement, que deſormes **Nul home de ley purſuont buſoignes en la Courte le Roy,** *ne Viſcount pur le temps que il eſt Viſcount,* **ſoient retournez, ne acceptez Chivalers des Countees;** *ne que ces qui ſont* **Gentz de ley** *& Viſcontz ore retournez au Parlement* **eient gagez.**

*Eſquires, not Serjeants at Law. See 23 H. 6. c. 15 22 E. 3. 18. a. 26 E. 3. 57. Fitz. dtoit. 37. 25 E. 3. ſtat. 1. & the next writ of 47 E. 3.

Num. 14. *Mes voyet le Roy, que Chivalers &* **Serjaunts** *des meulz Valeurs du paiis ſoiz retornez deſore Chivalers en Parlementz, & quils ſount eſtuz en plein Counte.*

By vertue of this Ordinance all Sheriffs of Counties have alwaies by ſpecial clauſes inſerted into writs of Elections ever ſince, been diſabled to be choſen Knights of the Shire, or Burgeſſes, and ſometimes *Apprentices*, and *men of Law*, whiles they pleaded and practiſed, for the reaſons expreſſed in this Ordinance.

33 The very next writs of Summons to Parliament, clauſ. 47 E. 3. *m.* 33. *dorſ.* were thus altered, & ſome new clauſes put into them in purſuance of this Ordinance.

Rex Vic. *Kanc.* ſalutem. Quia de aviſamento Conſilii noſtri, &c. Tibi præcipimus firmiter injungentes, quod de Com. tuo duos milites gladiis cinctos, ſeu **Armigeros,** de dicto Com **digniores et probiores, et in actibus armorum magis expertos et diſcretiores et non alterius conditionis,** & de qualibet Civitate Com. illius duos **Cives,** & de quolibet Burgo duos **Burgenſes,** qui in navigio et exercitio mercandiſarum

rum notitiam habeant meliorem, eligi: et eos ad dictos diem & locum venire facias. Ita quod iidem Milites plenam & ſufficientem poteſtatem pro ſe, &c. (as in ordinary Writs) ab ipſis habeant ad faciend. & conſentiend. eis quæ tunc de communi Conſilio Regni noſtri favente Domino contingant ordinari ſuper negotiis antedictis. Ita quod pro defectu hujuſmodi poteſtatis, ſeu propter improvidam electionem Militum, Civium, aut Burgenſium prædictorum, dicta negotia noſtra infecta non remaneant, quovis modo. **Volumus autem quod tu, ſeu aliquis alius Vicecomes regni prædicti, aut aliquis alterius conditionis quam ſuperius ſpecificatur aliqualiter ſit electus.** Et habeas ibi nomina prædictorum Militum, Civium, & Burgenſium, et hoc breve. Teſte ut ſupra.

Conſimilia brevia diriguntur ſingulis Vicecomitibus per Angliam.

In the writ to the Warden of the Cinqueports this new clauſe of qualification is inſerted: Et de quolibet Portu Portuum prædictorum duos Barones de melioribus, & in navigio et exercitio mercandizarum diſcretioribus eligi, without any other alteration.

It is obſervable, that theſe Writs iſſuing in times of war both by Land and Sea with *France*, as is evident by Rot. parl. 47 E. 3. *num.* 2, 3, 4. thereupon theſe new qualifications of Knights, Citizens, Burgeſſes, and Barons of the Cinqueports were inſerted into theſe writs, that the firſt ſhall be Knights by order, or at leaſt *Armigeros digniores & probiores, & in actibus armorum magis expertos & diſcretos.* The later of them ſuch, *qui in navigio & exercitio mercandizarum notitiam habent meliorem*, which were fitting qualifications, conſidering the times wherein they were inſerted into theſe Writs. 2ly. That there were expreſs prohibitory clauſes in theſe writs, to inhibite the elections of any perſons not thus qualified, & *non alterius conditionis*, relating to the Knights and Eſquires; and laſt clauſe in the Writ. *Nolumus tamen quid tu, &c. aut aliquis alterius conditionis, quam ſuperius ſpecificatur aliqualiter ſit electus*: which was

An exact abridgment, p. 116. Walſing. Fabian, Speed and others.

* Here p. 114. was grounded on the * Ordinance of Parliament, in 46 E. 3. and manifeſts the antient power and Prerogatiue of our Kings, to preſcribe to their Subjects what kind of fit perſons they ought to elect, and to prohibite the choyce of any others not ſo qualified, when they are prone, to make undue elections of mean, indiſcreet, unable, and unſtating Knights, Citizens, Burgeſſes, Barons, to the prejudice of the publick, 5ly. That though our Kings cannot preſcribe to their ſubjects what particular perſons they ſhall elect, being inconſiſtent with the freeneſs of elections, the Stat. of 3 E. 1. c. 5. an apparent incroachment on their liberty, and a ready means to pack Parliaments at their pleaſure, to effect their own private end, & oppres, enſlave their ſubjects, yet their preſcribing of juſt and fitting qualifications in the general in all perſons to be elected, and inhibiting the choyce of any not ſo qualified, is no incroachment upon their liberty es and freedom in elections, as this Writ and others, and the forecited Ordinance doth evidence.

35 The next Writs to Sheriffs for electing Knights, Citizens, and Burgeſſes, are thoſe in Clauſe 47 E. 3. dorſ. 13. cl. 49 E. 3. d. 4, 6. cl. 50 E. 3. p. 1. d. 6. running all in this form. *Rex Vic.* Kanc. *&c. Quod de comitatu tuo duos Milites gladiis cinctos, magis idoneos et diſcretos, & de qualibet Civitate Com. illius duos Cives, & de qualibet Burgo duos Burgenſes de diſcretioribus, & magis ſufficientibus eligi, &c.* with this prohibition in the cloſe of all theſe Writs *Nolumus autem quod tu, vel aliquis alius Vicecomes Regni noſtri prædicti, aut aliquis alterius Conditionis quam ſuperius ſpecificatur aliqualiter ſit electus. Et habeas ibi nomina prædictorum Militum, Civium, & Burgenſium, & hoc breve.*

34 The writs to Sheriffs for the election of Knights, Citizens, and Burgeſſes, in cl. 1 R. 2. d. 37. cl. 2 R. 2. d. 13. 29. cl. 3 R. 2. d. 27, 32. cl. 4 R. 2. d. 32. cl. 5 R. 2. d. 12. 40. cl. 6 R 2. p. 1. d. 4, 17, 37. cl. 7 R. 2. d. 10, 37. cl. 8 R. 2. d. 35. cl. 9 R. 2. d. 45. cl. 10 R. 2. d.

2. d. 42. cl. 11 R. 2. d. 13. 14. have all the ſame prohibitory clauſe, *& nolumus autem, &c.* as the laſt writs in King *Edward* the third his Reign. But in the writ of clauſ. 12 R. 2. d. 42. theſe words *aut alterius conditionis quam ſuperius ſpecificatur*, are omitted out of the *Nolumus autem*: In all the Writs of Clauſ. 13 R. 2. pars 1. d. 6. they are again inſerted. But in the writs of Cl. 14 R. 2. d. 42. cl. 15 R. 2. d. 37. cl. 16 R. 2. d. 32. cl. 17 R. 2. d. 30. cl. 18 R. 2. d. 23. cl. 20 R. 2. p. 1. d. 15. cl. 21 R. 2. p. 1. d. 27. cl. 23 R. 2. d. 3. and in all Writs under H. 4, 5, 6. & E. 4. they are alſo totally omitted. : and *Nolumus autem quod tu, aut aliquis alius Vicecomes Regni prædicti aliqualiter ſit electus*, only reteined. In all theſe Writs under *Richard* the 2d. there is this clauſe added, not extant in thoſe of *Edward* the 3d. *Tibi præcipimus firmiter injungentes*, quod in pleno Comitatu tuo de communi aſſenſu ejuſdem, *duos Milites gladiis cinctos, magis idoneos & diſcretos, &c. eligi, &c. facias*: which clauſe moſt clearly evidenceth, that all Knights ought to be elected in a full County-Court, by the common aſſent of the County, & not to be nominated, elected by the King, or any others without or againſt the Counties conſent & approbation. There are 5 bundles of Writs in *Ann.* 3, 10, 11, 13, 16 *Rich.* 2d. yet extant, for elections of Knights, Citizens, and Burgeſſes, iſſued to Sheriffs, and others; with their returns indorſed on or annexed to them, which I ſhall pretermit.

There are only two extraordinary unuſual Writs, concerning the election of Knights, during the Reign of King *Richard* the 2d. worthy ſpecial obſervation, which I ſhall preſent you with at large. The firſt of them thus recorded in Clauſ. 7 R. 2. m. 32. *De Militibus venientibus ad Parliamentum loco aliorum eligendis.*

34

Rex Vic. Surry. *ſalutem. Quia ut accepimus, tu* Thomam Camoys *Chivaler, qui Baronettus eſt, ſicut quamplures anteceſſorum ſuorum extiterunt, ad eſſendum unum Militum venientium ad proximum Parliamentum noſtrum pro Communitate Comitatus prædicti, de aſſenſu ejuſdem Comitatus, eli-*

Mr. Seldens Titles of Honor, p. 737. & my Plea for the Lords, p. 143.

eligiſti: Nos advententes, quod hujuſd. Baronetti ante hæc tempora, Milit. Comit. ratione alicujus Parl. eligi, minime conſuev. ipſum de officio Militis, ad dictum Parliamentum pro communitate Comitatus prædicti venturi, eroneari volumus Et ideo tibi præcipimus, quod quendam alium Militem idonenu et diſcretum gladio cinctum, in loco ipſius Thomæ eligi, & eum ad diem & locum Parliamenti prædicti venire facias. Cum plena & ſufficienti poteſtate ad conſentiend. his quæ in Parliamento prædicto fient, juxta tenorem prioris brevis noſtri tibi pro electione hujuſmodi Militum directi, & nomen ejus Nobis ſcire facias. Teſte Rege apud Weſtm. *octavo die Octobris.*

Conſimile Breve dirigitur Vic. *Surry*, pro *Iacobo Berners*, qui eſt de retinentia Regis & familiaris, & unus Militum *Kantiæ* T.R. apud *Weſtm.* 18 die *Oct.*

It is evident by the Rolls and Summons cited in the * precedent Table of the Temporal Lords and Barons, that *Ralph Camoys* was ſumoned to Parliament amongſt the other Lords and Barons in 49 H. 3. and another of that name to ſundry Parliaments, under Ed. 2 & 3. and *Iohn de Camoyes* after them: That this *Thomas Camoyes* mentioned in the Writ, was deſcended from them, and then a Peer and Baron of the Realm, (though ſtyled a Baronet in the Writ, which in that age ſignified a Baron of Parliament, as the *hujuſmodi Baronetti* in the Writ, and Mr. *Selden* evidence;) being ſummoned by Writ with the reſt of the Barons to this very Parliament of 7 R. 2. and ſundry others afterwards during his Reign, and the Reigns of *Henry* the fourth and fifth; from whence I ſhall obſerve.

* See my Table of the Lords to my exact abridgement, Title Thomas Camoyes. & part 1. of this Regiſtr. p. 272.

1. That no Peers or Barons of the Realm may, can, or ought to be elected, retorned Kights of Shires, Citizens, or Burgeſſes of Parliament, and their elections voyd if made, being uncapable to ſit or vote in the Commons Houſe as Members therof, as I have largely proved in *My plea for the Lords and houſe of Peers*, p. 143 to 148. to which I ſhall refer the Readers for fuller reſolution.

2ly. That if any election be once made upon the Kings

the Kings firſt Writ, though void or illegal in it ſelf, yet the Sheriff and County cannot proceed to a new election, without a new Writ from the King authoriſing them.

3ly. That if a meer void election of a Peer or other perſon uncapable, be made by the Country and Sheriff, the King may thereupon by ſuch a new writ as this, declare it null, yea diſcharge the perſon elected from his undue election, and command a new election to be made by ſuch a Writ as this, before the Parliament meet as well as after it; as he did here, this Parliament for which the Lord *Cameyes* was elected one of the Knights of the Countie for *Surry*, being ſummoned to begin on the 25 of *October* (as the Writ it ſelf and Parliament roll aſſure us) and the writ for his diſcharge, and a new election of another fit perſon and Knight in his ſtead, bearing date the 8th. of *October*, being 15 daies before the Parliament was to meet.

4ly. That the King in this Age, not the Commons Houſe, was the ſole proper Judge of void & double elections, who had no Juriſdiction or authoritie to hear or determine anie complaints concerning Elections, much leſſe to ſuſpend, ſeclude, or reject anie of their Fellow-Members, (a late dangerous uſurpation) either by Cuſtom of Parliament, the Writs of election, or any other Law, Statute, authoritie, but only the *King* or *Lords*; as I have largelie proved in my *Plea for the Lords*, by unreaſonable Preſidents, reaſons, Statutes, p. 371. to 420. to which *I* ſhall refer the Reader.

5ly. That when the ſelf-ſame perſon is elected a kinght for two Counties at once, the king by his Writ may diſcharge him of one of them, and iſſue a new election in his room, as in the caſe of *Iames Berners* elected both for *Surry* and *Kent*.

The next Writ is this of Clauſe 11 *R.* 2. m. 24. *dorſo.*

35

Rex Vic. *Kanc.* ſalutem. Quia de aviſamento Conſilii noſtri pro quibuſdam arduis & urgentibus negotiis

See my plea for the Lords, p. 384, 385.

gotiis Nos, ſtatum & defenſionem Regni noſtri Angliæ, ſeu Eccleſiæ Anglicanæ contingentibus quoddam Parliamentum noſtrum apud *Weſtm.* in Craſtino Purificationis beatæ *Mariæ* prox futur. teneri ordinavimus, & ibidem vobiſcum et cum Prælatis, Magnatibus, & Proceribus Regni noſtri Angliæ Colloquium habere & Tractatum. Tibi præcipimus firmiter injungentes, quod de Comitatu tuo duos Milites gladiis cinctos magis idoneos & diſcretos Com. prædicti, & **in debatis modernis magis indifferentes**, & de qualibet Civitate ejuſdem Com. duos Cives, & de quolibet Burgo duos Burgenſes de diſcretioribus & magis ſufficientibus eligi, & eos ad dictos diem & locum venire facias, &c. Teſte Rege apud *Windſore*, decimo ſeptimo die *Decembr.*

Conſimilia Brevia diriguntur ſingulis Vic. per *Angliam.*

The King before any elections made, being informed, that this new inſerted clauſe, *in debatis modernis magis indifferentes*,, (relating only to knights of Shires, not Citizens and Burgeſſes) was contrary to the forme of Elections antiently uſed, and againſt the liberty of the Lords and Commons of the Realm till that time uſed, did thereupon ſuperſede and revoke theſe writs, as to this unuſual clauſe alone, by this memorable Writ, entred in the next *Membrane*, viz. *Cl.* 11 R. 2. m. 23. *dorſo.*

Rex Vic. *Kanc.* ſalutem, licet nuper & breve noſtrum inter cætera tibi præcipimus firmiter injungentes, quod de Comitatu tuo duos Milites gladiis cinctos, magis idoneus & diſcretos Com. prædicti, & **in debatis modernis magis indifferentes eligi**, & eos ad Parliamentum noſtrum quod apud *Weſtm.* in craſtino Purificationis beatæ *Mariæ* prox. futur. tenere ordinavimus, ad eoſdem diem & locum venire faceres. Nos tamen attendentes dictam clauſulam, **in debatis modernis magis indifferentes**, contra formam electionis antiquitus uſitatæ, **et contra libertatem Dominorum et Communitatis regni noſtri Angliæ hactenus obtentam exiſtere**, volenteſque proinde prædictos Milites

tes liberos eligi, modo et forma prout antiquitus fieri consuevit. Tibi præcipimus firmiter injungentes, quod de Com. tuo duos Milites gladiis cinctos, magis idoneos & discretos Com. prædicti, prout hactenus fieri consuevit, eligi, & eos ad prædictos diem & locum venire facias, dicta clausula non obstante; cæteraque omnia & singula in dicto brevi nostro contenta fac: et exequaris juxta tenorem ejusdem, dictam clausulam penitus omittens. Et habeas ibi hoc breve, & aliud breve. Teste Rege apud *Westmonast.* primo die *Jan.*

Per ipsum Regem & Consilium.

Consimilia brevia diriguntur singulis Vicecomitibus per *Angliam*: & carissimo Anvunculo Regis *Johanni Regi* Castellæ & Legionis, Duci *Lancastr.* vel ejus Cancellario in eodem *Ducatu*, sub eadem data.

From these two memorable Writs, compared with some of the limitations in the precedent Writs, it is evident, 1. That although the King may by his Writs advise and command the Sheriffs and people by general clauses, *to elect two of the best, wisest, discreetest, fittest eleganteſt ableſt Knights, Citizens, Burgesses in each County, City, Borough, and most able to take paine: and likewise prohibite them to elect maintainers of Quarrels and false sutes, persons of ill fame, living by maintenance and dishonest gain, Sheriffs of Counties, prattising Lawyers, Barons of the Realm, and other unfitting persons for such a publick Service;* Yet he ought not to insert any new qualifications or restraints into his Writs, *contrary to the antient, usual form, liberty, and freedom of the peoples Elections, which may tend to the packing of any Parliament, to promote any particular factions, parties, or designs to the publick prejudice, or deprive the people of their antient legal freedom in their Elections*, especially in times of general discord, discontents, jealousies, or open sad debates between the King and his Subjects, as these new clauses, *in debatis modernis magis indifferentes*, &c. and other late *Army qualifications, restraints*

of more dangerous conſequence do in the late *Inſtrument of Government*, and *Petition* and *advice* preſcribed by the *New-Modellers of Parliaments*, and our *Republicans* ſince, to advance their own particular deſigns, & admit, ſeclude, what Members they pleaſe, though beſt affected to the publick welfare, eaſe, peace, ſafety, ſettlement of our diſtracted Nations, and moſt deſired, confided in by the people who elected them by their unanimous Votes.

2ly. That our Kings themſelves are bound in Juſtice and prudence to reverſe and revoke all ſuch unuſual, illegal clauſes and reſtraints, inſerted into writs for Elections, which are inconſiſtent with the juſt rights and freedom of the people in their elections, according to the Statutes of 3 E. 1. c. 5. 9 E. 4. c. 14. 7 H. c. 15. and this memorable Preſident of King *Richard* the 2d. and that before any publick report thereof in Parliament, or examination by the Commons.

(a) See my plea for the Lords, p. 144, 145, 146.

3ly. *That no Peer or Baron of the Realm, may or ought to be elected a Knight of the Shire, or Burgeſs of Parliament*, That the King himſelf, may by his Writ, null and declare their Elections void, and command a new Election to be made, before the Parliament aſſembles, without the Commons precedent or concurrent Votes.

4. That if the ſame perſon be elected Knight of the ſhire in two ſeveral Counties, the King by his Writ may null and diſcharge the ſecond election before the Parliament meets, and order the election of a New Knight for the County wherein he was laſt elected, (he being uncapable to ſerve in both) without the Commons order or privity. 5ly. That the Commons Houſe or Committees in this Age, were not the Iudges, Deſciders of the lawfulneſs of Knights and Burgeſſes elections, (as now they make themſelves) *but the King himſelf, or the King and Lords Houſe, or his Counſel in* Parliament, *without the Commons*, as I have (*b*) *elſewhere* proved at large by ſundry Preſidents.

(b) Plea for the Lords, p. 376 to 410.

Be-

Beſides, the writs for elections under King *Richard* the 2d. entred in the Clauſe Rolls, there are five ſeveral *Bundles* of writs, *anno* 3, 10, 11, 13, & 16 *R.* 2. iſſued to Sheriffs for electing Knights, Citizens, Burgeſſes, for the reſpective Parliaments held in thoſe years, having the Returns of the Sheriffs with all the names of the knights, Citizens, Burgeſſes then elected indorſed on them, or in Cedules annexed to them, moſt of them having two Manucaptors apiece for their appearance at the day and place of the Parliament, and ſome few of them no Manucaptors at all; the forms of the Returns agreeing for the moſt part with thoſe of 26 & 28 E. 1. & 42 E. 3. forecited. upon which conſideration I ſhall wholy pretermit them, to avoid prolixity and nauſeouſneſs. 36

The original writs of Elections and their Returns under K. *Henry* 4. are either miſlayed or totally loſt, embeſeled, periſhed through negligence, or caſualty, ſo as I can give you no particular account of them, but only of their tranſcripts entred in the Clauſe-Rolls. The firſt of them are enrolled, in Clauſ. 1 *H.* 4. m. 37. dorſ. clauſ. 2 H. 4. pars 2. dorſ. 8. cl. 3 H. 4. dorſ. 2. 17. cl. 5 H. 4. pars 1. dorſ. 28. pars 2. dorſ. 11. agreeing all in words, ſubſtance, form, with the uſual VVrits forecited under *Richard* the ſecond, without any variation, except in their Prologues and dates, being the ſame with thoſe to the Prelates, *Section* 1. But in Cl. 5 H. 4. part 2. m. 4. dorſ. there was an *unuſual new Clauſe* inſerted into the VVrits then iſſued, *prohibiting all Apprentices, or any other man of Law to be elected, as well as Sheriffs*, theſe Writs elſe agreeing in all things with the ordinary form. 37

Rex Vic. &c. ſalutem, &c. Nolumus autem quod tu ſive aliquis alius Vicecomes Regni noſtri, nec Apprenticius, aut aliquis alius homo ad legem aliqualiter ſit electus. *Teſte Rege apud* Lichefeld, *quinto die* Auguſti. 38

(c) *Thomas* of *Walſingham*, a credible Hiſtorian then living, took ſpecial Notice of this extraordinary VVrit, re- (c) Hiſt. Angl. P. 414.

recording in his Hiſtory of *England*, *direxit ergo Rex brevia Vicecomitibus*, ne quoſquam pro *Comitatibus* eligerent quoviſmodo *Milites*, qui in Jure regni docti fuiſſent vel Apprentitii, *ſed tales omnino mitterentur ad hoc negotium*, quos conſtat ignorare cujuſque Juris methodum, quod et factum eſt. But what prejudice to the Republike and people this produced by impoſing new Inſupportable Taxes upon them, he informs us in his *Typodigma Neſtr.* p. 164. Grave Sir (d) *Edward Cook* (the moſt confident common Miſtaker, Miſ-reporter of Records that I have hitherto read) peremptorily affirms, *That the Hiſtorian* (VValſingham) *was* (herein) *miſtaken, and that there was no ſuch Clauſe in the Writs then iſſued.* A clear evidence he never peruſed this Clauſe Roll or VVrit with his own eyes (or moſt elſe he cites) as I have done more than once for my own and others ſatisfaction; tranſcribing this paſſage out of it, with my own hand, which I have alſo met with in ſundry other tranſcripts, as well as in the Roll it ſelf, where all may peruſe it when they pleaſe. And if this be not ſufficient evidence, our learned Antiquary Sir *Henry Spelman*, (a perſon of far greater judgement and learning in Antiquities than Sir *Edw. Cook*) hath aſſured us thereof in his *Gloſſarium* p. 44. Prohibet Rex *Henricus* 4 legum Apprenticios ad Parliamentaria Comitia *Conventia* habita ſexto die Octob. anno Regni ſui ſexto in Comitatibus eligendos, ut non ſolum meminêre Annales noſtri, ſed ipſum etiam (c) *breve Parliamentarium* unicuique Vicecomitum directum, datumque vigeſimo quinto die *Aug.* anno ejuſdem 5. uti patet ibidem in pede, viz. Nolumus autem quod tu ſeu aliquis alius Vic. Regni noſtri prædicti, aut Apprenticius ſive aliquis alius homo ad legem aliqualiter ſit electus, &c. Hinc Parliamentum illud Laicorum dicitur & indoctorum, quo & jugulum Eccleſiæ atrocius petebatur. And Sir *Edward Cook* himſelf at unawares confeſſeth as much, ſome few pages after 4 *Inſtit.* p. 48. as I have evidenced in my *Plea for the Lords*, p. 379, 380, 381. and Preface to the

(d) 4 Inſtit. p. 10.

(c) 2 Par. Clauſ. m. dorſ. n. 4.

Ex-

Exact Abridgement of the Records in the Tower. I find in truth, that there were no leſs than three ſeveral writs of Summons and Elections to three diſtinct Parliaments in this one year of 5 *H.* 4. The firſt dated *apud Leichfeld* 5 *die Auguſti*, for a Parliament to be held at *Coventree octavo die Octobr.* entred Clauſ. pars 2 H. 4 dorſ. 4, whereinto this clauſe was inſerted, omitted in moſt Collections of *Parliamentary writs of Summons.* The ſecond entred in Clauſ. 5 *H.* 4. pars 2. dorſ. 11. *Teſte Johanne Duce* Bedford, *Cuſtode* Angliæ *apud* Weſtm. 5 *die* Octobris. The third entred Clauſe 5 H. 4 pars 1. dorſ. 28. for a Parliament apud *Coventre, tertio die* Decembris. *Teſte Rege apud* Weſtm. 20 *die* Octobris, in which two latter writs there is no ſuch Clauſe inſerted, but only in the firſt, which perchance was the ground of (*f*) Sir *Edward Cooks* confident miſtake, who only ſaw a tranſcript of the latter, not of the firſt Writs.

(*f*) 4 Inſtit. p. 10. 48.

This Clauſe was warranted by and grounded on the forecited *Ordinance* of 46 E. 3. as Sir *Edward Cook* atteſts, and I ſubſcribe to; but that this *was an Ordinance only of the Lords, or that Ordinances differed from Acts of Parliament in thoſe times*, in this, *that one had the threefold concurrent aſſent of the King, Lords and Commons, the other not*, &c. as he there affirms, I utterly deny, and have (*g*) *elſewhere* at large refuted by unanſwerable evidences, and above an hundred *Acts of Parliament*, which make them both one and the ſame, they having both this threefold concurrent aſſent to make them *Acts*, or *Ordinances*, without which they are neither: and himſelf confeſſeth it in his 2. *Inſtitutes* p. 101. 645, 646. & elſewhere. The reaſon for ſecluding practiſing Lawyers from being elected, whiles they actually continued to plead and proſecute Suites in the Kings Courts for others, are expreſſed in the *Ordinance*, now fit to be revived, that ſo the Lawyers elected may totally attend the publick buſineſſes of the Kingdom and Parliament in the Houſe, and not neglect them: which if they do faithfully

(*g*) Irenarches Redivivus, near the end. My Table to the *Exact* Abridgement of the Records in the Tower, Tit. Ordinance of Parliament.

(*h*) See Cook. 4 inſtit. p. 10, 48, 49.

faithfully and conſcienciouſly execute with publick ſpirits, there are no *Members whatſoever more uſefull, neceſſary*, beneficial to the publick than they, both for the penning of good laws, debating all buſineſſes of law, examining all complaints and grievances: whence none but Lawyers for the moſt part in antient or late times have been choſen (*i*) *Speakers of the Commons Houſe*, & few elſe but they imployed as *Chair-men* in moſt *Committees*.

(*i*) See Mr. Will. Hackwells Catalogue of the Speakers names printed, 1641.

Aftet this, upon the making of the Statutes of 7 H. 4. c. 15. & 11 H. 4. c. 1. upon the Commons petition, as appears, by 1 H. 4. rot. parl. *num.* 83. 139. & 11 H. 4. n. 54. for regulating former abuſes in the elections of Knights of Shires to ſerve in *Parliaments*; the antient form for the VVrits for electing Knights, was ſomewhat altered and enlarged; as is evident by the next enſuing VVrits of Clauſe 8 H. 4. dorſ. 2. cl. 11 H. 4. dorſ. 32. cl. 12 H. 4. dorſ. 2. cl. 14 H. 4. dorſ. 22. & cl. 1 H. 5. dorſ. 9. & 37. agreeing all in one form, and differing only in the prologues, dates, and places of the Parliaments; I ſhall therefore preſent you only with a Tranſcript of the laſt of them.

39

Rex Vic. *Kanc.* ſalutem. Quia de aviſamento Conſilii noſtri, &c. (as in the former VVrits.) Tibi præcipimus firmiter injungentes, Quod facta proclamatione in proximo Comitatu tuo poſt receptionem hujus brevis tenendo, de die & loco (Parliamenti) prædictis, duos Milites gladiis cinctos, magis idoneos & diſcretos de Com. prædict. &c. **libere et indifferenter** per illos qui proclamationi hujuſmodi interfuerint **juxta formam Statuti inde editi et proviſi**, eligi, & nomina eorum Militum Civium & Burgenſium ſic eligendorum, in quibuſdam Indenturis inter te & illos qui hujuſmodi electioni interfuerint inde conſtituend. licet hujuſmodi eligendi præſentes vel abſentes fuerint, inſeri, eoſque ad dictos diem & locum venire facias. Ita quod, &c. (as in former writs) Nolumus autem quod tu, vel, (ſeu) aliquis alius Vicecomes Regni noſtri prædicti aliqualiter ſit electus. Et electionem tuam in pleno Comitatu tuo diſtinctè & apertè factam

40

Electorum.

factam ſub ſigillo tuo & ſigillis eorum qui electioni illi interfuerint Nobis in Cancellaria noſtra ad dictos diem & locum certifices indilatè. Remittend. Nobis aliam partem Indenturarum prædictarum præſentibus conſutam una cum hoc breve. Teſte Rege apud *Weſtm.* 22 die *Maii.*

The like writs then iſſued to all other Sheriffs of Counties, and this form with little or no variation, continued from 1 *H.* 4. to all Sheriffs of particular Cities and Boroughs, made Counties within themſelves, (as *Lincoln*, *York*, *Briſtol*, *Coventre*, *Norwich*, *Notyngham*, *Newcaſtle upon Tyne*, *Kingſtone upon Hull*, and *Southampton*, mutatis mutandis) till the Statute of 8 *H.* 6. c. 7. concerning Elections was made, as the Clauſe-Rolls aſſure us, where the writs of Summons are recorded; only the writs to the Sheriffs of *London* were to elect *Quatuor Cives de diſcretioribus & magis ſufficientibus*; the writs to the Sheriffs of other Cities that were Counties, to elect *Duos Cives*, and to thoſe Boroughs which were Counties, to chooſe *Duos Burgenſes.*

The bundle of thoſe original writs which iſſued in 1 *H.* 5. is yet extant, together with the ſeveral retorns and Indentures of the Sheriffs, and names of the Knights, Citizens, and Burgeſſes then elected and retorned, the major number of them having Manucaptors retorned for their appearance at the day and place of the Parliament, which others of them have not. The Statutes of 7 *H.* 4. c. 15. & 11 *H.* 4. c. 1. enacting all Sheriffs to make their Retorns of the Knights elected by *Indentures*, between the *Sheriffs* and *Electors*, *under their reſpective Seals*, never in uſe before, thereupon the forms of their Retorns were accordingly altered and made by Indentures, wherein the names of the Knights elected and of their Electors were retorned, ſome inſerting more, ſome fewer names of the Electors, with general clauſes for the reſt; on the dorſe of many of which Indentures the names of the Knights, Manu-

captors, and ſometimes of the Citizens and Burgeſſes, and their Manucaptors are entred, and others of them on the dorſes only of the Writs; Theſe Indentures are ſomewhat various and different in their forms and words, but for the moſt part they accord in ſubſtance: All thoſe from 7 H 4. to the end of his Reign, being not extant, but loſt or miſſayd, I ſhall preſent you with ſome few of the firſt of them yet extant in 1 H. 5. upon the retorn of the laſt forecited writ that year.

Executio iſtius brevis patet in quadam Cedula, & in quadam Indentura huic brevi conſuta.

Hæc Indentura facta apud *Loſtwythiel*, 24 die *Aprilis* Anno Regni Regis *Henrici* quinti, poſt conqueſtum *Angliæ* primo, in pleno Com. ibidem tent. inter *Johannem Arundel* Vic. Com. prædicti; & *Joban. Whaleſbrew*, *Willum. Grynevile*, and 32. more there named, & plures alios de dicto Com. ibidem tunc præſentes, ſecundum Proclamationem dicti Dom. Regis, de Militibus pro Parliamento in dicto brevi ſpecificato eligendis factam. Qui tunc ibidem unanimi aſſenſu et conſenſu eligerunt *Joban. Wibbury* & *Joban. Trelonny* Milites, qui habent plenam & ſufficientem poteſtatem pro ſe & communitate Com. prædicti, ad faciend. & conſentiend. prout breve prædictum in ſe exegit & requirit. In cujus rei teſtimonium huic parti Indenturæ huic breve conſut. prædictus *Johannes Whaleſbrew* & cæteri omnes prænominati ſigilla ſua appoſuerunt. Et alteri parti Indentur. prædictarum Vic. ſigillum ſuum appoſuit. Dat. die, loco & anno ſupradictis.

Nomina Militum electorum pro Parliamento in brevi huic Cedulæ conſut. Thoſe named in the Indenture having each two Manucaptors.

Nulla eſt Civitas in Com. prædicto.

Nomina Burgenſium pro Parliamento in Com. prædicto: *Dounbevedburgh*, 2. *Bodmyn* Burgh. 2. *Helſton* Burg. 2. *Loſtwithiel* Burg. 2. *Truru* Burg. 2. having every of them two Manucaptors retorned over againſt their names, all there named.

The

The Counties of *Sussex* & *Surry* having a several writs, and but one Sheriff are retorned both together; the Indenture for *Surry* runs thus, *Hec Indentura facta apud* Guldeford, *&c. testatur, quod virtute brevis Dom. Regis in pleno Com. prædicto plenarie lecti & auditi, per assensum & consensum Willi* Weston, (and three more there named) *& omnium aliorum fidelium ibidem existentium, electi sunt in Milites pro communitate Com. prædicti existend. ad Parliamentum Dom. Regis apud* Westm. *ex tunc prox. tenend. Johannes Burgh. & Willielmus Aferde. In cujus rei Testimonium, &c.*

The Indenture annexed to the Writ for *Sussex* is in *French*, between the Sheriff, *& les gentilles homes & comunes du dit Counte, dauter part*, witnessing, that the Gentlemen and Commons had chosen *Richard Sayvyle* and *Richard Wakebire, a consentie & affaire ceo que as Chivalers de Parliament affaire ducment appertient, pur le bonor & profit du dit nostre seigneur le Roy & son Roialme*: in testimony whereof the Sheriff and the Gentlemen, and Commons, to wit, 14 there named, and other Gentlemen and Commons, set to their Seals the day and year aforesaid. *Surry* and *Suffolk.*

None of the Knights, Citizens or Burgesses retorned upon this Indenture, have any Manucaptors indorsed on the *Indenture*, nor retorned in the *Cedule*, as most of the others have in other Counties, though not all; and some of them are retorned to be attached, *& quilibet eorum separatim per se*, by particular persons there retorned, without any Manucaptors for them, as in the retorn for *Cambridge-shire*.

Most of the Indentures mention, that the Knights elected and retorned have *plenam & sufficientem potestatem pro se & communitate Com. prædict. ad faciend. & consent. his quæ tunc ibidem de communi Consilio dicti Regni favente Domino ordinari contigerit super negotiis in prædicto brevi specificatis. In cujus rei testimonium, &c.* as the retorns of the Sheriff of *Hertford-shire* & *Essex*, (which Counties had then but one Sheriff) and sundry others attest.

The Indenture for *Wyltes* addes : *Item præſens Indentura, teſtatur, quod Cives & Burgenſes de qualibet Civitate & Burg. Com. prædict. electi, &c. plenam & ſufficientem poteſtatem pro ſe, & communitate Civitatum & Burgorum prædictorum diviſim habentes ad faciend & conſentiend. prout dictum breve in ſe exigit & requirit. In cujus rei Teſtimonium, &c.* In ſome Retorns is added, by the Electors, (as alſo in 3 H. 5. for *Eſſex.*) *Dantes & concedentes eiſdem Roberto Darcy & Johanni Tyrrel Militibus, pro prædicto Parliamento, plenam & ſufficientem poteſtatem pro ſe, & communitate Com. prædicti ad faciend. & conſentiend. biis quæ tunc ibidem de communi Conſilio Regni Domini Regis favente Domino ordinari contigerit ſuper negotiis in prædicto brevi ſpecificatis.* The ſubſtance whereof is expreſſed in moſt Retorns.

Briſtol. The retorn of the Sheriff of *Briſtol* is thus endorſed. *Ad prox. Com. tentum apud* Briſtol *poſtquam iſtud Breve mihi deliberatum fuit, viz. die Lunæ* 10 *die* Aprilis, *Anno Regni* Henrici *quarti poſt conqueſtum primo, proclamari feci breve infra ſcriptum prout illud requirit. Et ulterius vobis certifico, quod ad eundem. Com. & coadunatis, diſcretioribus & magis ſufficientibus Burgenſibus dictæ Villæ ex aſſenſu Johannis Clyve, Majoris Villæ prædictæ & aliorum plurimorum ibidem exiſtentium, eligimus duos diſcretos & magis ſufficientes Burgenſes Com.* Briſtol, *viz.* Thomam Norton *&* Iohannem Leycestre, *qui tam ut Milites pro Com.* Briſtol, *quam ut Burgenſes Villæ prædict. reſpondeant in Parliamento Domini Regis tenend. apud* Weſtm. *a die Paſche in tres Septimanas, prox. futur. & eos ad prædictum Parliamentum venire faciam, prout in altera parte quarundam Indenturarum inde inter me & illos qui electioni prædict. interfuerunt confect. huic brevi conſut. continetur, prout iſtud Breve requirit.* Iohannes Sherpe *Vic. Briſtol.*

Hæc Indentura facta *Briſtol* inter *Johannem Sherpe* Vicecomitem Com. *Briſtol*, ex parte una, & *Johannem Clyve* Majorem villæ prædict. (and thirty more named particularly) & alios probos homines villæ prædictæ, ex parte altera teſtatur; quod virtute brevis Domini Regis,

Regis uni parti harum Indenturarum conſit. in Com. tento apud Briſtol die Lunæ, &c. (as before in the Retorn) coadunatis diſcretioribus & magis ſufficientibus Burgenſibus dictæ villæ, *Thomas Norton* & *Johannes Leyceſtre* Burgenſes & Mercatores villæ Briſtol ſunt electi, eſſendi in Parliamento Domini Regis tenend. &c. (as before) ad reſpondend. in Parliamento prædicto tam ut Milites pro Com. Briſtol, quam ut Burgenſes pro Burgo prædict. villæ: qui quidem *Thomas Norton* et *Iohannes Leyceſtre* præſentes in Electione prædict. præmuniti (ſunt) comparendi in dicto Parliamento ad diem et locum prædictum, ex conſenſu & aſſenſu dictorum Majoris et proborum hominum prædictorum, et communitatis villæ prædictæ, ad conſentiend. et faciend. omnia et ſingula quæ in dicto Parliamento contigerit ordinari, ac omnia alia quod breve prædictum exigit. In cujus rei teſtimonium tam prædictus Vicecomes, quam præfatus Major et ſinguli probi homines ſupradicti, ſigilla ſua alternatim appoſuerunt. Dat. Briſtol anno et die ſupradictis.

The Counties of *Somerſet* and *Dorſet* had then two diſtinct writs, and but one Sheriff, who retorned both writs together.

In the Indenture for the County of *Somerſet*, dated at *Yuelcheſter*, 1 die *Maii*, anno 1 H. 5. there are 24 Electors only named; Qui ex aſſenſu totius Com. prædicti eligerunt *Thomam Brooke* Militem, et *Rogerum Chedder*, Milites eſſendi apud *Weſtm.* ad Parliamentum &c. ad faciend. et conſentiend pro Commun. prædict. tunc ibidem prout breve præfato Vic. inde direct. &c. in ſe exigit et requirit, &c.

Theſe 2. Knights have each one Manucaptor over againſt their names, but the Citizens and Burgeſſes in the County none, except thoſe of *Wells*, who have two Manucaptors over againſt their names: But the Knights for the County of *Dorſet* have no Manucaptors, nor any of the Burgeſſes, except *Lyme*, who have only two Manucaptors for both Burgeſſes.

I ſhall trouble you with no more varieties of Indentures of this kind to avoid prolixity: Thoſe who are not ſufficed with theſe, may peruſe them in the Bundles of writs and retorns, *anns* 1, 3, 8, 9 H. 5. 1, 2, 3, 6, 11, 13, 20 H. 6. & 7. & 12 *Edw.* 4. where they may ſatiate, if not ſurfet themſelves with retorns and Indentures of this nature.

The forms and ſubſtances of all the ſeveral writs for elections of Knights, Citizens and Burgeſſes from 11 H. 4. till 2 H. 6. and of their reſpective retorns by Indenture in the Bundles of writs and retorns of *Anno* 3, 8, & 9 H. 5. et Anno 1, 2, 3, 6 H. 6. are the ſame with thoſe of 1 H. 5. laſt cited, and all the tranſcripts of writs for elections recorded in Cl. 2 H. 5. dorſ. 16. cl. 3 H. 5. dorſ. 15. cl. 4 H. 5. dorſ. 18. cl. 5 H. 5. dorſ. 11. cl. 7. H. 5. d. 9. cl. 8 H. 5. d. 2. cl. 9 H. 5. d. 13. cl. 1 H. 6. d. 22. cl. 2. H. 6. d. 18. cl. 3. H. 6. d. 9. cl. 4. H. 6. d. 15. cl. 5 H. 6. d. 4. cl. 7. H. 6. d. 2. agree in ſubſtance and form with the laſt recited writs of 1 H. 5. Therefore I ſhall not repeat any of them, but refer you to their peruſal in theſe Rolls. Yet after the Statute of 8 H. 6. c. 7. touching elections of Knights, made upon the Commons Petition to the King and Lords, entred in the Parliament Roll of 8 H 6. num. 57. the form of the Writs for Elections was ſomewhat altered and enlarged, yet without any ſet form or alteration preſcribed by that Parliament or Statute, as is evident by the Clauſe rolls of 9 H. 6. dorſ. 28, 10 H. 6. dorſ. 16. 11 H. 6. d. 10. 12 H. 6. d. 2. 13 H. 6. d. 18, 18 *H.* 6. d. 33. 20 *H.* 6. d. 27. et 23 H. 6. d. 21. and the bundles and retorns of the writs, *an.* 11, 13, 20 H. 6. which all accord in this enſuing form of 23 H. 6. which I ſhall only here inſert.

Rex Vic. *Kanc.* ſalutem. Quia pro quibuſdam, *&c.* Teſte, ut ſupra uſque ibi: Et tunc ſic: cum Prælatis, Magnatibus, et Proceribus dicti Regni noſtri Colloquiū habere volumus et Tractatum. Ac in ſtat. noſtro in Parl. apud *Weſt.* (ſo the writ in 9 H. 6. but thoſe in 10 H. 9.

6. and after) apud *Westm.* An. regni noſtri 8. tento edito, inter cætera proviſum et ordinatum, exiſtit. Quod Milites Com. infra Regnum. noſtrum Angl. eligend. ad veniend. in parl. ex tunc tenend. eligantur in quolibet Com. per homines in eodem Com. commorantes et reſidentes, quorum quilibet habeat liberum tenement. ad valorem quadraginta ſolidorum per an. ad minus, ultrà repriſas, et quod illi qui eligendi fuerint ſint ſimiliter in eiſdem Com. commorantes et reſidentes; quodque illi qui habuerint majorem numerum ipſor. qui quadraginta ſolidos per an. ac ultra expendere poſſunt, ut prædict. eſt, per Vicecom. cujuſlibet Com. per Indenturas inter ipſos Vicecom. et præfatos electores inde conficiend. ſigillatas, Milites pro *Parl.* returnentur, Et quod quilibet Vic. Angliæ habeat poteſtatem autoritate *Parliamenti* prædicti, examinandi ſuper ſacra dei Evangelia quemlibet hujuſmodi electorem, quantum per annum expendere poſſit. Et ſi aliquis Vic. Milites de veniendo ad *Parliamentum* in contrarium ordinationis prædictæ retornaverit, habeant * Juſtic. ad Aſſiſas in Seſſionibus ſuis aſſiſarum, poteſtatem autoritate ſupradicta de et ſuper hoc Inquiſitionem capiendi, per quam ſi id coram eiſdem Juſticiariis comperi & Vicecomes inde debite convinci contigerit, tunc idem Vic. pœnâ cent. librarum Nobis ſolvend. incurrat, et impriſonetur per unum annum abſque traditione in ballium, aut manucaptione. Et quod milites pro *Parliamento* noſtro in contrarium ordinatione prædicta retornati vadia ſua perdent, prout in ſtatuto prædicto plenius continetur. Tibi præcipimus firmiter injungentes, quod facta proclamatione in prox. Com. tuo poſt receptionem hujus brevis tenend. de die et loco prædictis, duos milites gladiis cinctos, magis idoneos et diſcretos Com. prædicti, et de qualibet Civitate Com. illius duos *Cives*, et de quolibet Burgo duos Burgenſes de diſcretioribus et magis ſufficientibus, libere et indifferenter, per illos qui proclamationi interfuerint, juxta formam ſtatuti prædicti, ac cujuſdam alterius ſtatuti inde dudum editi et pro-

* Not the Commons-Houſe, or Committee of Privilege.

proviſi eligi, et nomina eorundem militum, Civium et Burgenſium ſic eligend. in quibuſdam Indenturis inter te et illos, qui hujuſmodi electioni interfuerint inde conficiend. ſive hujuſmodi eligendi præſentes fuerint vel abſentes, inſeri, eoſque ad dictos diem et locum venire fac. Ita quod iidem milites plenam et ſufficient. poteſtatem pro ſe et commun. Com. illius, ac dicti Cives et Burgenſes pro ſe et communitatibus Civitatum et Burgorum prædictorum, diviſim ab ipſis habeant, ad faciend. et conſentiend. hiis quæ tunc ibidem de communi Conſilio dicti regni noſtri ſavente domino contigerit ordinari ſuper negotiis antedictis. Ita quod pro defectu poteſtatis hujuſmodi, ſeu propter improvidam electionem Militum Civium aut Burgenſium prædictorum, dicta negotia infecta non remaneant quovis modo. Nolumus autem quod tu, aut aliquis alius Vicecomes dicti Regni noſtri aliqualiter ſit electus. Et electionem tuam in pleno Com. tuo factam diſtinctè et apertè ſub ſigillis tui et ſigillis eorum qui electioni illi interfuerint Nobis in Cancellariam noſtram ad dictos diem et locum certifices indilatè, remittens nobis alteram partem Indenturarum prædictarum præſentibus conſutam una cum hoc breve. Teſte Rege apud *Weſtm.* 12 die *Januar.*

Conſimilia brevia diriguntur ſingulis Vic. *Angl.* ſub eadem data.

Rex Vic. *London* ſalutem. Quia, *&c.* ut ſupra.

Conſimilia brevia diriguntur Vic. ſubſcriptis mutatis mutandis ſub eadem data, *viz.*

Vicecomitibus Civitatis Eborum *pro* 2. *Civibus eligend.*

Vic. ville Novi Caſtri ſuper Tynam *pro* 2. *Burgenſibus eligend.*

Vic. ville de K'ngſtone ſuper Hull *pro* 2. *Burgenſibus eligend.*

Vic. Civitatis Norwici *pro* 2. *Civibus eligend.*

Vic. Civitatis Linc. *pro* 2. *Civibus eligend.*

By this writ of 26 H. 6. (agreeing with former writs),

writs) here tranſcribed at large, you may obſerve, that it differs onely from the laſt recited in the rehearſal of the Statute of 8 H. 6. and from the precedent writs by the recital of the Statute of 7 H. 4. That ſince theſe Acts the qualification of the perſons is, that the Knights and perſons elected be only *gladiis cinctos, magis idoneos & diſcretos, & ſimiliter in eiſdem Com. commorantes & reſidentes, &c.* That all Elections muſt be made *liberè & indifferenter, &c.* as theſe Writs and Acts preſcribe, prohibiting no Officers or profeſſions of men, whether Lawyers or others, to be elected, but only Sheriffs, in the *Nolumus autem, &c.*

In the Parliament of 23 H. 6. c. 15. there was upon the Commons petition another new Statute made concerning elections of Knights, whereupon in the next writs of Summons Clauſe *anno* 25 H. 6. m. 24. *dorſo* it was inſerted into the writs, agreeing verbatim with the laſt forecited writ, except only in this Statutes recital thus inſerted. 43 *De ſummonitione Parliamenti.*

Rex Vic. Kanc. *ſalutem. Quia, &c. ut ſupra* in the laſt recited to *plenius continetur*: and then, *Ac inſuper in ſtatuto noſtro apud* Weſt. *ultimo tento edito inter cætera ordinatum exiſtat, Quod Milites Com. pro Parliamento ex tunc eligend. Milites* **notabiles** *de eiſdem Com. pro quibus ſic eligentur, ſeu ſaltem* **notabiles Armigeri, hominesve generoſi de natu, eorundem Com. qui habiles ſunt Milites fieri, et nullus homo de gradu valettæ et gradu inferiori de cætero Milites hujuſmodi eriſtant,** *prout in eodem ſtatuto plenius continetur. Tibi præcipimus firmiter injungentes, &c.* verbatim as in the laſt recited writ, *T. Rege apud Weſtm.* 14 *die Dec. Per ipſum Regem & Conſil: ſuum,* to the end. *Conſimilia Brevia* follow to the Sheriffs of Counties, Cities, and Boroughs, as in it.

This Statute and writ puts a greater reſtriction in relation to the Knights of Counties qualities, abilities, ſufficiences than any before, to prevent the elections of perſons of mean quality, and eſtates, which the vulgar rabble of people in thoſe leveling times were

overmuch enclined unto; which form continued in all ſucceeding Parliaments under *Henry* the ſixth, and *Edward* the fourth, with little or no variation, as the Clauſe rolls evidence wherein they are recorded, *viz.* 27 H. 6. d. 24. 28 H. 6. d. 26. 29 H. 6. d. 41. 31 H. 6. d. 36. 33 H 6. d. 36. 38 H. 6. d. 30. 49 H. 6. d. 6. 1 Ed. 4. d. 35. 2 E. 4. d. 3. 6 E. 4. d. 1. 12 E. 4. d. 21. 22, & 23 E. 4, d. 10.

There are only two bundles of Writs for elections and their returns under King *Edward* the fourth remaining in the Tower of *London*, anno 7 & 12 E. 4. agreeing in form and ſubſtance with the laſt recited writs, and their retorns and Indentures with thoſe forementioned in 1 H 5. which thoſe who pleaſe may peruſe at leaſure, being over-tedious and ſuperfluous to tranſcribe at large.

The ordinary forms of the Writs, Retorns, and Indentures of this kind uſed after thoſe in the Tower (ending with *King Edward* the fourth) and continued till the laſt Parliament of King *Charles* are theſe, which I ſhall preſent you with out of Mr. *Crompton* his Juriſdictions of Courts, f. 1, 2.

Elizabetha Regina, &c. Vic. N. &c. ſalut. quia de aviſamento & aſſenſu Conſilii noſtri pro quibuſdam arduis & urgentibus negotiis, Nos, ſtatum, & defenſionem regni noſtri Angliæ, & Eccleſiæ Anglicanæ, concernent. quoddam Parliamentum noſtrum ad Civitatem noſtram Weſt. duodecimo die Novembris prox. futur. teneri ordinavimus, & ibid. cum Prælatis, Magnatibus & Procer. dicti regni noſtri Colloquium habere & tract. Tibi præcipimus firmiter injungentes, quod facta proclamac. in prox. comitat. tuo poſt receptionem hujus brevis noſtri tenend. die & loco prædict. duos Milites gladiis cinctos magis idoneos & diſcretos comit. prædicti, & de qualib. Civitate com. illius duos Cives, & de quolibet Burgo duos Burgenſes de diſcretioribus & magis ſufficientibus libere & indifferenter per illos qui proclam. hujuſmodi interfuerint juxta formã ſtatutorum inde edit. & proviſ. eligi, & nomina eorundum milit. Civium & Burgenſ. ſic electorum in quibuſdam indentur. inter

te

te et illos qui bujuſmodi electioni interfuerint, inde conficiend. ſive bujuſmodi electi præſentes fuerint vel abſentes, inſeri: eoſque ad dict. diem & locum venire fac. Ita quod iidem milites plenam & ſufficientem poteſtatem pro ſe & communitate comit. prædictis ac dicti Cives & Burgenſes pro ſe & communitat. civitatum & burgorum prædictorum diviſim ab ipſis habeant, ad faciendum & conſentiendum his quæ tunc ibid. de communi conſilio dicti regni noſtri (favente deo) contigerint ordinari ſuper negotiis ante dictis: Ita quod pro defectu poteſtatis bujuſmodi, ſeu propter improvidam electionem militum, civium & burgenſium prædictorum, dicta negotia infecta non remaneant quoviſmodo. Nolumus autem quod tu, nec aliquis alius vic. dicti reg. noſtri aliqualiter ſit electus. Et electionem illam in pleno comitatu factam, diſtincte & aperte ſub ſigillo tuo, & ſigillis eorum qui electioni illi interfuerint, Nobis in cancellar. noſtram ad dict. diem & locum certifices indilatè, remittens nobis alteram partem Indenturarum prædictarum preſentibus conſut. una cum hoc breve. Teſte me ipſa apud Weſtmonaſterium decimo octavo die Septembris anno Regni noſtri xxx. H. A. Gerrard.

Retorn de vicount ſur ceſt brief.

VIrtute iſtius brevis eligi feci duos milit. gladiis cinctos magis idoneos & diſcretos de comitat. meo viz. W. F. & V. S. qui plenam & ſufficientem poteſtatem pro ſe & communitate comitat. prædicti habeant, ad faciendum & conſentiendum iis quæ ad diem & locum infra contentos de communi conſilio regni Angliæ ordinari contigerint: & prædicti W. F. & V. S. manucapti ſunt per I. P. V. B. I. D. & R. N. ad eſſendum ad Parliamentum Dominæ Reginæ apud Weſtmonaſt. ad diem infra contentum, ad faciendum quod hoc breve in ſe exigit & requirit. li. Int. f. 595.

Feci etiam præceptum virtute bujus brevis I. B. & A. S. Ballivis libertatis villæ de G. in comitat. meo, quod de eodem Burgo eligi facerent, duos Burgenſes de diſcretioribus & magis ſufficientibus quod ſint ad Parliamentum dictæ dominæ Reginæ ad diem & locum infra content. ad faciendum &

conſentiendum ut prædictum eſt, qui quidem Ballivi ſic mihi reſpondent: quod eligi fecerunt de prædicto Burgo de G. duos Burg. diſcretos & magis ſufficientes ad eſſend. ad Parliamentum prædictum, viz. R. P. & G. I. ad faciendum & conſentiendum ut ſupradictum eſt. Virtute etiam iſtius brevis ad proximum comitat. meum poſt receptionem ejuſdem, tentum apud V. tali die & anno in pleno comitatu illo proclamari feci omnia in iſto brevi contenta, ſecundum formam & effectum hujus brevis, prout hoc breve in ſe exigit & requirit.

Reſiduum vero executionis iſtius brevis patet in quibuſdam Indent. huic brevi conſut. Li. Intr. 595.

HÆC Indentura facta tali die & anno inter G. A. armig. vic. Comitatus N. ex una parte, & I. B. & I. D. &c. ex altera parte teſtatur, quod ſecundum formam brevis huic Indent. conſut. fact. proclam. in pleno comitatu meo tento apud G. tali die & anno prædicti I. B. I. D. & alii qui procl. prædictæ in pleno comitat. prædict. interfuerunt, ſecundum formam ſtatutorum in brevi prædicto ſpecificatorum & ſecundum exigen. brevis illius eligerunt W. F. & V. S. milites, gladiis cinctos, pro comitatu prædicto, ad eſſendum ad Parliamentum in eodem brevi ſpecific. qui plenam & ſufficientem poteſtatem pro ſe et communitate comitatus prædicti habeant, ad faciendum & conſentiendum prout breve illud in ſe exigit & requirit. In cujus rei teſtimonium, partes prædictæ bis Indenturis ſigilla ſua alternatim appoſuerunt. Datum tali die & anno. Plo. 120.

G. A. armig. vic.

Antiel Indenture ſerra fait inter vicount et Burgeſſes de D. ſur election de lour Burgeſſes, &c Mutatis mutandis.

I have here given you the exacteſt, fulleſt, cleareſt Account of all the ſeveral forms and varieties of writs for electing Knights of Counties, Citizens and Burgeſſes for our Parliaments, and Great Councils, and of their returns extant in our Records, ever yet preſented to the World, hitherto unacquainted with moſt of them, of which our greateſt Antiquaries have been in ſome meaſure ignorant: I ſhall now cloſe up this Section with 2. memorable rare Records in the

Par-

Parliaments of 18 & 38 H. 6. touching the elections of Knights, not impertinent to my purpose, and worthy publication.

The first of them I find * thus recorded, *Rot. Parl. An.* 18 *H.* 6. *m.* 13. *n.* 18. *Memorandum quod pro eo quod* 16 *die* Novembris, *anno præsenti, lecto coram Rege & Dominis spiritualibus & Temporalibus in Parliamento prædicto tunc existentibus, & per illos plenius intellecto returno ejusdem Brevis ipsius Domini Regis* Gilberto Hore, *nuper Vic.* Cantebr. *pro electione duorum Militum inter alia, qui ad Parliamentum prædictum pro Com. prædicto venire debuissent juxta formam in eodem Breve specificatam faciend. directi, satis evidenter constabat tunc ibidem, quibusdam certis de causis in eodem returno specificatis, nullos Milites ad veniend. ad Parliamentum prædictum pro eodem Comitatu pretextu brevis prædicti electos aliqualiter extitisse;* Per ipsum Dominum Regem **De avisamento et assensu eorundem Dominorum spiritualium et temporalium consideratum et ordinatum fuit tunc ibidem,** *quod per quoddam aliud breve ipsius domini Regis de data dicti prioris Brevis, Vic. Com. prædicti detur specialiter in mandatis. Quod ipse facta Proclamatione in prox. Comitatu suo infra dictum Com.* Cantebr. *post receptionem brevis illius tenend. de die & loco tentionis Parliamenti prædicti, electionem duorum Militum gladiis cinctorum, ac omnia alia in eodem continenda juxta formam ejusdem Brevis faciat & exequatur. Et quod idem Vicecomes antequam ad hujusmodi electionem procedat, publicè in eodem Com. proclamari & inhiberi faciat, ne aliqua persona tunc ibidem armata, seu modo guerrino arraiata ad electionem illam accedat, nec quicquam quod in perturbationem pacis ipsius Domini Regis seu electionis illius cedere valeat ibidem, vel alibi faciat vel attemptet, nec quod aliqua persona se de electione illa intromittat, nec vocem suam in electione illa, tantummodo excepta persona quæ vocem in hujusmodi electione infra Com. prædictum facienda juxta formam statuti in eodem brevi specificati habere debeat, dare præsumat quovis modo sub periculo incumbenti, ac sub pœna imprisonamenti corporis sui ad voluntatem ipsius Domini Regis. Et idem*

1.

* See my Plea for the Lords, p. 396, 397.

idem Vicec. perſonas quæ præmiſſa ſeu aliquod præmiſſorum in aliquo contemnere præſumpſerint, priſonæ ipſius Domini Regis mancipet & committat in eadem ſalvo & ſecure cuſtodiend. quoſq; idem Dominus Rex pro earum deliberatione, aliter duxerit demandand.

From which memorable writ I ſhall obſerve,

1. That the Sheriff of a County after his Writ for electing Knights of the Shire received and proclaimed, may juſtly refuſe to proceed to the election, in caſe any Souldiers or others armed with weapons, and arrayed in warlike manner reſort unto it, to interrupt or diſturb the Election: And that this being retorned is a good excuſe for the Sheriffs not electing the Knights.

2ly. That the King and Lords in that Age were ſole Iudges of the Retorns of Sheriffs upon Writs for Elections, of the legality of them, and the elections made upon them (as I have* *elſewhere* largely evidenced by records) not the Commons Houſe.

* Plea for the Lords, p. 371, to 416.

3ly. That they alone (not the Commons) gave order for new writs for electing Knights and Burgeſſes when, or where there was cauſe, and directions how to make them, as in this caſe and others.

4ly. That the Sheriff was here ſpecially directed, to make publick Proclam. before the writ for election of knights for the ſhire, was read, to prohibit any perſon whatſoever to reſort to the Election armed, or arrayed in warlike manner, or to do any thing in diſturbance of the Kings peace, or of the election; and that no perſon ſhould interpoſe, meddle with or give his voyce in the election in any kind, but ſuch who had a lawfull right to do it according to the form of the Statute.

5ly. That if any perſon reſorted to it armed, or did any thing that might either diſturb the Kings peace, or election, or intermeddle therein, or gave his voyce who had no voyce by Law, that the Sheriff ſhould forthwith impriſon him for his offence, in the Kings priſon, till the King himſelf give order for his releaſe. Which I conceive all Sheriffs may ſtill do in like

like Caſes by vertue of the Statute of 3 *Edw.* 1. *c.* 5. concerning the freedoms of elections, which enacts and commands, upon great forfeiture, *that no great man, nor other by force of arms, or menacing, ſhall diſturb any to make free election.* And if none may diſturb the freedom of Elections by armed force; much leſs may they interrupt the Members from ſitting in the Houſe, or diſturb them in the freedom of their debates, when elected, aſſembled in Parliament; under greater penalties and forfeitures.

The ſecond is thus enrolled, *Rot. Parl.* An 38 H. 6. *n.* 11.

2. To the King our Soveraign Lord, *Meekly beſeeching your true Liegemen, Sheriffs of the Shires of this your noble Realm that were of the years paſt paſſed;* Where it pleaſed your Highneſs to command divers of your ſaid Beſeechers, by your honourable Letters of privy Seal to proceed to election of their ſeveral ſhires of Knights of ſhires for this your preſent Parliament, for the good & haſty ſpeed thereof, *Pleaſe it your noble Grace to Ordain, and to grant by aſſent of your Lords Spiritual and Temporal, and by the Commons aſſembled in this preſent Parliament by authority of the ſame;* That all elections of Knights of your ſeid Shires in ſuch wiſe choſen, and by your ſaid Beſeechers retorned, be as good and effectual as any election of Knights, by any of your ſeid Shires made or done by vertue of your ſeid Writ or Writs to every of your ſeid Beſeechers direct. And that your ſeid Beſeechers and their Under-Sheriffs and Clarks, and every of them, be quite and diſcharged againſt your Liege-people, of the penalties and forfeitures that they or eny of them be fellyn, or may be chargeable, by force of a Statute made the 23 year of your noble Reign, as for occupying or exerciſing their ſeid Office longer than a year for every maner elections of Knights, as well by force of your Writs, as by force of your letters of Privy-ſeal, as otherwiſe, and for retorns of the ſame, and for all maner retorns of Citizens and Burgeſſes in their ſeveral Shires for this preſent Parliament, by every of them retorned before the laſt day of this preſent Parliament. Provided alway, that by

by this Act they nor none of them be excuſed or diſcharged of eny other offence or thing done by them in eny of their ſeyd Offices. Alway forſeyn that no man be amerced for eny ſuyt begon by him againſt eny of your ſeyd Beſeechers to recover the ſeyd penalties for eny occupation of the ſeyd Office for the premiſes.

Le Roy le voet.

The occaſion of this Petition and Act then paſſed is thus expreſſed in the printed Statute of 39 *H.* 6. c. 1. *That divers Knights of Counties, Citizens, and Burgeſſes were named, retorned, & accepted in this Parliament of* 38 H. 6. *ſome of them without any due or free election, others without any election at all, againſt the courſe of the Kings Lawes, and the liberties of the Commons of this Realm, (by vertue of the Kings Letters of Privy-ſeal without any free election:) and that by the means & labours of divers ſeditious, and evil-diſpoſed Perſons, only to deſtroy certain of the great faithfull Lords and Nobles, and other faithfull Liege-people of the Realm, out of hatred, malice, & greedy, unſatiable coveteouſneſs, to gain their Lands, Inheritances, Offices and Eſtates.* For which undue elections, the Sheriffs being purpoſely kept longer in their Offices than they otherwiſe ſhould have been, and fearing to be exemplarily puniſhed by Actions upon the Statute brought againſt them, thereupon they petitioned the King, and procured this Act of Parl. for them and their Under-ſheriffs preſent and future indemnities for theſe illegal Elections, and retorns of perſons unduly elected, or nominated by the King alone, without any election by the people; for which miſdemeanor of theirs, this whole Parliament, and all Acts made therein were repealed and made void the very next year and Parliament following, 39 H. 6. c. 1. from whence I ſhall obſerve,

1. That no Sheriffs or Officers, can be ſecured, indempnified againſt undue elections, and retorns of Knights, Citizens, and Burgeſſes, nominated to them by the King, or any others, but only by Act of Parliament; 2. That ſuch undue elections & retorns as theſe

are

are uſually made by the procurement and labour of ſeditious, and evil-diſpoſed perſons, out of malice, hatred, or inſatiable covetouſneſs, and for pernitious ends and deſigns. 3ly. That Parliaments unduly elected, and packed by policy or power, prove alwaies abortive, and are repealed, as void and pernitious in concluſion; of which we have ſeen pregnant inſtances in this and other late Parliaments, worthy our ſaddeſt conſiderations.

Vſefull Obſervations in and from the precedent Section.

FRom theſe recited Writs, I conceive it to be moſt clearly and ſatisfactorily evidenced, 1. *That there were no Knights, Citizens, or Burgeſſes elected and ſummoned by Writs to our Great Councils, and Parliaments before* 49 *H.* 3. which I ſhall here further demonſtrate by theſe punctual, irrefragable Teſtimonies, Preſidents and Records under his Reign, till this very year, (*a*) *Anno* 1221. (the 5 of *Henry* 3d.) Convenerunt **Magnates** *Angliæ* ad Regem apud *Weſtmonaſterium*, ut de negotiis regni tractarent: After which the King having ſuppreſſed the *Welſh* the ſame year, and built a ſtrong Caſtle at *Montgomery*, diſbanded his Army, **Concedentibus Magnatibus** de quolibet ſcuto duo marcas argenti (*b*) *Anno* 1223. (the 7th. of his Reign.) Rex *Henricus* in Octavis Epiphaniæ apud *Londonias* veniens **cum Baronibus** ad Colloquium, requiſitus eſt ab Archiepiſcopo Cantuarienſi & **Magnatibus** aliis, ut libertates, & liberas conſuetudines,

(a) Mat. Paris p. 299. 300. Edit Tig. 1589.

(b) Mat. Paris. p. 305. Mat. Weſtm. p. 113.

pro quibus guerra mota fuit, contra patrem ſuum confirmaret (c) *Anno* 1224. (8 H. 3.) Per idem tempus convenerunt ad Colloquium in Octavis ſanctæ Trinitatis apud *Northamptonam*, Rex cum Archiepiſcopis, Epiſcopis, **Comitibus**, **Baronibus**, & aliis multis, (Lords, Peers, and others of his Counſel) de regni negotiis tractaturi, voluit enim Rex uti Conſilio **Magnatum** ſuorum de terris tranſmarinis, quas Rex *Francorum* paulatim occupaverat, (d) *Anno* 1229. (9 H. 3.) the King demanding advice, and an ayd of the fifteenth part of his peoples Goods to recover his forein Territories; Archiepiſcopus & Concio tota (apud *Weſtm.*) Epiſcoporum, **Comitum et Baronum**, Abbatum & Priorum habita deliberatione, Regi dedere reſponſum, quod regiis petitionibus gratanter adquieſcerent, ſi illis diu petitas libertates concedere voluiſſet. Whereupon he granted and confirmed the great Charter. (e) The ſame year, Martio menſe, convenerunt apud *Weſtmonaſterium* ad Colloquium Rex *Angliæ* cum **Magnatibus** ſuis, ubi Rex ſententialiter juſſit diffinire, quid de proditore ſuo Falcatio fuit agendum. **Proceres** vero in hoc pariter conſenſerunt, eo quod patri ſuo multis fideliter ſervierat annis, ne de vita periclitaretur vel membris, ſed ut *Angliam* æternaliter abjuraret, omnes communiter addixerunt, which was accordingly executed forthwith. (f *Anno* 1226. (10 H. 3.) venit interea terminus Concilii ad feſtum ſancti *Hillarii* apud *Weſtm.* præfixus, ubi Rex cum Clero & **Magnatibus** Regni comparere debuerat, ut Domini Papæ mandatum audiret, &c. They meeting again the ſame year after *Eaſter*, Rex convocatis ſeorſum Prælatis, & quibuſdam **Magnatibus**, hoc Archiepiſcopo dedit reſponſum, &c. (g) *Anno* 1229. (13 H. 3.) fecit Rex convenire apud *Weſtm.* Dominica qua cantatur miſericordia Domini, Archiepiſcopos, Epiſcopos, Abbates, Priores, Templarios, Hoſpitalarios, **Comites**, **Barones**, Eccleſiarum rectores, et qui de eo tenebant in capite, (but no Knights of Counties, Citizens, and Burgeſſes

c Mat. Paris 308.

d Mat. Paris 311.

e Mat. Paris 312.

f Mat. Paris p. 316, 319. Mat. Weſtm. p. 118, 119.

g Mat. paris p. 349.

gesses we read of) ut audirent negotia memorata of *Stephen* the Popes Chaplain, and *Nuncio*, demanding an ayd against the Emperour from *England*.) Et de rerum exigentiis communiter tractarent ibidem. (*b*) *Anno* 1231. (15 H. 3.) convenerunt ad Colloquium apud *Westm.* Rex cum Prælatis et aliis Magnatibus Regni, &c. The King this year intending to mary the King of *Scots* Daughter, indignantibus Comitibus et Baronibus suis universis, because *Hubert* who was chief Iustice had marled the eldest Daughter, he thereupon desisted from his purpose. (*i*) *Anno* 1232. convenerunt Nonas *Martii* ad Colloquium apud *Westm.* ad vocationem Regis, Magnates Angliæ tam Laici quam Prælati, &c. Comes Cestriæ *Ranulphus* pro Magnatibus aliis loquens, &c. After which the same year, Convenerunt apud *Lambiam* ad Colloquium in exaltatione sanctæ crucis coram Rege, Episcopi, & alii ecclesiarum Prælati, cum Proceribus Regni. Ubi concessa est Regi, &c. quadragesima pars rerum mobilium ab Episcopis, Abbatibus, Priorribus, Clericis & Laicis, sicut ea habuerunt in frugibus tunc congregatis in autumno, anno Regni ejusdem Regis 16. The Writ for collecting it (which is memorable) recites, (*k*) Sciatis quod Archiepiscopi, Episcopi, Abbates, Priores, & Clerici terras habentes qui ad Ecclesias suas non pertinent; Comites, Barons, Milites, liberi homines et Villani de regno nostro concesserunt Nobis in auxilium 40. partem omnium mobilium suorum apparentium, &c. Yet wee read of no Milites, liberi tenentes, or villani; but only Episcopi & Ecclesiarum Prælati; cum Proceribus regni, summoned to this Parliamentarie Convention; whose grant of this ayde, is said to be the grant of all the Clergie, Knights, Freemen, and Villains of the Realm too; yet we never read that Villains were Members of Parliament, or the Commons House in any age: (*l*) *Anno* 1233. (17 H. 3.) Rex missis literis vocavit Omnes de regno Comites & Barones ad Colloquium, ut venirent apud *Oxoniam* ad festum Sancti *Johannis*. Sed

Mat. Paris, p. 354, 355, 357, Mat. Westm. p. 130.

i Mat. Paris, p. 359, 364. Mat. Westm. p. 132.

k Mat. Paris, p. 367.

l Mat. Paris, p. 372, 373.

ipſi noluerunt ad ejus mandatum venire, tum propter inſidias alienigenarum, tum propter indignationem, quam conceperant adverſus Regem, qui extraneos ob eorundem **Baronum** vocavit contemptum, &c. After which the ſame year, Cum **Comites** ac **Barones** Angliæ in magno militiæ apparatu *Londonias* tenderent ad Colloquium, Calend. *Auguſti* ſibi præfixum, &c. Venerunt autem ad Colloquium prædictum Comes *Ceſtriæ*, &c. cum aliis **Comitibus** et **Baronibus** multis; Sed nihil ibi actum fuit propter abſentiam Comitis *Mareſcalli*, & *Gilberti* de *Baſſet*, et quorundam aliorum abſentiam **Magnatum**. After which the ſame year, *m* Erat interea Rex apud *Weſtm.* ad Colloquium 7 Idus Octob. ſicut **Magnatibus** promiſerat,, **ut per eorum Conſilium** emendaret ea, quæ in regno erant corrigenda: the Biſhops being there likewiſe preſent. *n An.* 12 4.(18 H. 3.)Rex Anglorum venit ad Colloquium apud *Weſtm.* in Purificatione beatæ *Mariæ*, &c. After that, Convenerunt ad Colloquium Dominica prima in paſſione Domini (5to idus Aprilis) apud *Weſtm.* Rex cum **Comitibus** & **Baronibus**, et Archiepiſcopus cum ſuis Suffraganeis, ut regno perturbato ſalubriter proviederent: *o* Anno 1236. (20 H. 3.) The Archbiſhop, cum Epiſcopis, Magnatibus, Nobilibus, & Prælatis, were preſent at *Londan* at the Kings marriage; which feſtivitie ended, Rex venit *Mertoniam*, ut ibi revocati **Magnates**, audito recenti Imperatoris mandato, unà cum Rege de regni negotiis contrectarent. Audiens autem Rex ſimul & **Magnates** ibi congregati, præhabita deliberationis reſponderunt, &c. Then reciting the Statutes there made. Item conceſſit Dominus Rex ex **conſenſu Magnatum**, quod de cætero non currant uſuræ contra minorem, &c. *Cap.* 9. Rogaverunt **omnes Epiſcopi Magnates**, ut conſentirent, quod nati ante matrimonium eſſent legitimi, ſicut illi qui nati ſunt poſt matrimonium, quantum ad ſucceſſionem hæreditariam, quia Eccleſia tales habet pro legitimis, **Et omnes Comites et Barones** reſponderunt una voce (without any Knights,

m Mat. Paris, p. 375.

n Mat. Paris, p. 381, 382, 383, 390, 391.

o Mat. Paris, p. 405, 406, 407, 408.

p See pat. 20 H. 3. d. 13. Cl. 20 H. 3. m. 2 Bracton f. 416, 417. Seldens Titles of Honor, p. 721, 722.

Knights, Citizens, Burgeſſes or Commons, that wee read of) *Quod nolunt leges Angliæ mutare, quæ hucuſque uſitatæ ſunt et approbatæ.* And cap. 11. Quia **Magnates** petierunt, &c. mentions only the Nobles without any Commons. The *q* ſame year 4 kalend Maii, Congregati ſunt **Magnates** Angliæ Londini ad Collequium, de negotiis regni tractaturi. After which, Congregati ſunt apud Wintoniam **Magnates** Angliæ præſente Rege, ſexto Idus *Junii*; Ubi rex nitebatur, &c. Anno quoque eodem Rex ſuorum Conſilio fretus **Magnatum** iter verſus *Eboracum* maturavit, ut Conſilio fultus **Majorum** regni, provideret qualiter diſcordia inter ipſum et Regem *Scotiæ Alexandrum*, quæ jam in odium excreverat, penitus ſedaretur, &c. *r Anno* 1237. (21 H. 3.) Rex *Henricus* miſit continuo per omnes fines Angliæ ſcripta Regalia, præcipiens omnibus ad regnum Angliæ ſpectantibus, videlicet, *Archiepiſcopis, Abbatibus, & Prioribus inſtallatis*, **Comitibus & Baronibus** (but to no Knights of Shires, Citizens or Burgeſſes, we read of) ut **omnes** ſine omiſſione in Octavis Epiphaniæ *Londoniis* convenirent, Regia negotia tractaturi totum regnum contingentia. Quod audientes **Magnates**, Regiis præceptis continuo paruerunt. Venit igitur die Sancti *Hilarii* Londonias **infinita Nobilium multitudo**, ſcilicet **Regni totalis univerſitas**, &c. There being no mention of any Commons, but only of the Nobles **Magnatum & Baronum**, in the debates and tranſactions of this Grand Council: After which the ſame year, Rex aſſeruit in Colloquio, ad quod etiam ex longinquo **Nobiles** convocaverat, cum juramento, &c. who granted him an ayd ſecundum proviſionem **Magnatum** expendendum. *ſ* Eodem Anno ſcripſit Rex **omnibus Magnatibus** ſuis, ut coram eo et domino Legato in feſto exaltationis Sanctæ crucis *Eboracum* convenirent, de arduis negotiis regnum contingentibus tractaturi: where a peace and league was concluded between him and the King of *Scots*. *t Anno* 1238. (22 H. 3.) Convenerunt **Magnates** die ſtatuto *Londini*, ſuper his diligenter

q Mat. Paris, p. 414, 416, 417.

r Mat Paris, p. 420, 421. Mat. Weſtm. p. 143. 144.

ſ Mat. Paris, p. 431.

t Mat. Paris, p. 451, 452.

genter tractaturi, &c. Ibi igitur poſt multas multorum deceptationes ſe ſubjecit Rex quorundam proviſioni de gravioribus viris, jurans ſe eorum proviſioni adquieſceret. Quod et factum eſt, et in ſcriptum redactum, & appenſa ſunt tam Legati, quam aliorum **Magnatum** ſigilla, omnibus in communi manifeſtanda. *u Anno* 1239. (23 H. 3.) **Comites, Barones,** & **alii Magnates** Angliæ, writ and ſent a Letter to the Pope againſt his encroachments on their Advowſons, preſented to him by *Robert de Twinge*, ex parte **Magnatum Angliæ**, who returned an Anſwer to it beginning thus; *Gregorius Epiſcopus, &c. dilectis filiis Nobilibus Viris R. Comiti Pictaviæ & Cornubiæ, & Baronibus Angliæ: x Anno* 1240. (24 H. 3.) congregati ſunt *Londini* Archiepiſcopi & Epiſcopi, cum **multis aliis Magnatibus**, præſente etiam Legato, reponentes querimoniam coram Rege in Curia ſua, ſuper variis injuriis et oppreſſionibus, et quotidianis deſolationibus illatis Eccleſiæ, per iniquum Regis Conſilium, contra ſuas Cartas, et juramenta temerè veniendo, &c. *Ejuſdem* anni ſpatio convenerunt apud *Radingum* omnes Angliæ Archiepiſcopi, Epiſcopi, et majores Abbates, et quidam **Magnates** regni, Papale mandatum à Domino Legato explicandū, audituri, &c. Comes vero *Ritardus* & alii **Magnates** Crucesſignati ibidem exiſtentes, &c. *Anno* 1242. (26 H. 3.) ſcripſit Rex Anglorum **omnibus regni ſui Magnatibus**, Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, **Comitibus** & **Baronibus**, (without mentioning any Knights, Citizens, Burgeſſes or Commons) diſtrictè præcipiens, ut **omnes Generaliter** Londinum die Martis ante Purificationem beatæ Virginis convenirent de arduis negotiis regni, dilationem non capientibus, cum ſumma deliberatione tractaturi. Imminente vero Purificatione beatæ Mariæ, **totius Angliæ Nobilitas** tam Prælatorum, quam **Comitum et Baronum**, ſecundum Regium præceptum, eſt *Londini* congregatum, &c. Reſponderunt **Magnates**, cum magnâ cordium amaritudine, &c. There being no mention of any Commons, Knights,

u Mat. Paris, p. 495.

x Mat. Paris, p. 505, 508.

y Mat. Paris, p. 560, 561, 562, 563. Mat. Weſtm. p. 163.

Knights, Citizens, or Burgeſſes therein (though writ in the margin: Convocatur **Generale Parliamentum** *Londini, &c.*) Poſtea verò, ne oblivio tenorem reſponſionis **Baronum** deleret, in ſcripeum taliter ſunt hæc redacta. Cum Dominus *Eboracenſis* Archiepiſcopus, et omnes Epiſcopi *Angliæ*, Abbates et Priores per ſe, vel per Procuratores ſuos, necnon et **omnes Comites** et ferè **omnes Barones Angliæ**, ad mandatum Domini Regis conveniſſent apud *Weſtm.&c.* Anno Dom. 1242. regni *Henrici* 3. Regis 26. audituri Domini Regis voluntatem et negotium, pro quo ipſos mandaverat. Et idem Dominus Rex, &c. per eoſdem ſolennes nuncios **omnes Magnates** de Regno ſuo rogaſſet de conſilio el dando et auxilio faciendo, &c. tandem dicti Epiſcopi, Abbates et Priores, **Comites et Barones**, magno inter eos tractatu præhabito, in primis Domino Regi per prædictos Magnates dederunt conſilium, &c. Et cum dicti Magnates nuncii iſtud Domino Regi nunciaſſent reſponſum, redeuntes ad **Warnagium**, dixerunt, quod in parte ſufficiens dederunt Domino Regi reſponſum. z *Anno* 1244. (28 H. 3.) convenerunt Regia ſubmonitione convocati *Londinum* **Magnates** *totius Regni*, Archiepiſcopi, Epiſcopi, Abbates, Priores, & **Comites & Barones**; (without Knights, Citizens, Burgeſſes or Commons) In quo Concilio petiit Rex *ore proprio*, in præſentia **Magnatum**, auxilium ſibi fieri pecuniare, &c. Recedenteſque **Magnates** de refectorio, convenerunt Archiepiſcopi, & Epiſcopi, Abbates & Priores ſeorſim per ſe ſuper hoc diligenter tractaturi. Tandem requiſiti ex parte eorum *Comites* & *Barones*, ſi vellent ſuis Conſiliis unanimiter conſentire in reſponſione et proviſione ſuper hiis facienda? Qui reſponderunt, quod ſine *communi univerſitate* nihil facerent: Whereupon the Spiritual and Temporal Lords appointing a Committee, agreed in an Anſwer and Ordinance; there being no mention of any but of theſe **Magnatum**, **Magnates**, **Magnatibus**, et **Prælatis**, in all the paſſages of this Parliamentary Council, which are large and notable.

z Mat. Paris, p. 619, 620, 621, 622, 623.

a The

Mat. Paris, p. 624.

a The ſame year, Convenientibus autem iterum **Magnatibus** cum **Prælatis** generaliter *Londini*, a die purificationis beatæ *Mariæ* in tres Septimanas. Concilium ſuper prædictis negotiis et tractatum habuerunt diligentem: where they granting the King an ayde to marrie his daughter of xx s. upon every Knights fee, upon condition to ratifie the Great Charter; cum noviſſet *Martinus* Nuncius Domini Papæ, quod **Magnates** *Angliæ* Regiæ contributioni generaliter conſenſiſſent, inhiabat avidius ad negotium ſuum ad quod miſſus fuerat conſummandum, &c. After which the ſame year, b Rex edicto publicè propoſito, & ſummonitione generaliter facta, fecit notificare per totam Angliam, ut quilibet **Baro** tenens de Rege in capite, haberet prompta & parata Regali præcepto omnia ſervitia militaria, quæ ei debentur, tam Epiſcopi et Abbates, quam Laici Barones: Congregata igitur **univerſitate totius Angliæ Nobilium** apud *Novum Caſtrum* ſuper fluvium *Tbynam*, tractatum eſt diligenter, ſuper tam arduo negotio (concerning the differences and an accord between *Alexander* King of *Scots* and King *Henry*) **Concilio** habito circa Aſſumptionem beatæ *Mariæ* diligentiſſimo: where peace was concluded between the Kings, and ratified by the Charter of the King of Scots, and the Seals of his *Prelates, Earls* and *Barons*. The ſame year c in craſtino Omnium Animarum convenientes **Magnates** *Angliæ*, Rex cùm inſtantiſſimè, ne dicam impudentiſſimè auxilium pecuniare ab eis iterum poſtularet, toties læſi et illuſi contradixerunt ei unanimiter et uno ore in facie. d Anno 1246. (30 H. 3.) Rex miſſis, literis ſuis totius Regni **Magnates** convocavit, ut *Londini* die qua cantatur, *Letare Hieruſalem*, de ſtatu regni generaliter convenirent tractaturi. On which day, Edicto Regio convocata convenit **ad Parliamentum generaliſſimum** totius Regni Anglicani **totalis Nobilitas** *Londini*, videlicet Prælatorum, tam Abbatum & Priorum, quàm Epiſcoporum, **Comitum** quoque & **Baronum** (without any mention or intimation of Knights, Citizens, Burgeſſes

b Mat. Paris, p. 626, 627. Mat. Weſtm. p. 185, 186.

c Mat. Paris, p 631.

d Mat. Paris, p. 674, 677, 678, 679, 680. Mat. Weſtm. p. 205, 206, 207, &c.

Burgeſſes, Commoners) ut de ſtatu Regni jam vacillante, efficaciter, prout exigit urgens neceſſitas, conſulerent. Convenientibus igitur ad Parliamentum memoratum totius Regni **Magnatibus**, in primis aggreſſus eſt, Dominus Rex ore proprio Epiſcopos per ſe, poſteà verò **Comites & Barones**, deinde autem Abbates & Priores; videlicet, ſuper his pro quibus miſerat nuncios ſuos ſolennes ad Concilium *Lugdunenſe*: Then ſhewing them the Oppreſſions and grievances of the Church and Realm of *England* by the Pope, drawn into Artieles; which they all conſented unto: *the Biſhops by themſelves*, the *Abbots by themſelves*, the *Earls*, *Nobles*, *and Barons by themſelves*, in their own names, and in the name of *all the Clergy and people of England*, and the King by himſelf, writ ſeveral Letters to the Pope and Cardinals for their redreſs. The King in the mean time ſending forth Prohibitions under his Seal to all the Biſhops, e not to pay any tax or tallage to the Pope; Contra proviſionem per **Magnates noſtros** tam **Prælatos** quàm **Comites & Barones** factam in Concilio noſtro *Londinenſi*, &c. After which, die Tranſlationis beati *Thomæ* Martyris, habitum eſt *Magnum Concilium* inter Regem et regni **Magnates** apud *Wintoniam*; where receiving the Popes anſwer to their meſſengers ſent to the Council of *Lyons*, touching their grievances, and his carriage towards them, Hæc autem cum audiſſet Dominus Rex cum **Magnatibus ſuis**, commotus eſt vehementer et meritò, &c. *Anno* 1247. (31 H. 3.) *f* urgente mandato Papali redivivo, de importabili contributione, &c. fecit Dominus Rex **Magnates** ſuos, necnon et *Angliæ* Archidiaconos (but no Knights, Citizens or Burgeſſes) per ſcripta ſua Regia *Londinum* convocari. Quo cum perveniſſent die præfixo, Epiſcopi omnes ſeſe gratis abſentarunt, ne viderentur propriis factis eminus adverſari. In craſtino igitur purificationis beatæ *Mariæ*, dominus Rex cum ſuis **Magnatibus** tractatum habens diligentem, per plures conſilium urgens dies protelavit. At laſt they ſent Letters to the Pope in the

e Mat Paris, p. 686, 687. Mat. Weſtm p. 208, 209, 210.

f Mat. Paris, p. 697, 698.

g Mat. Paris, p. 707.

name of all the Clergy and people of *England* for redreſs
h Mat. Paris, of their grievances. The ſame year, *b* Dominus Rex
P. 712, 713. comperiens regnum ſuum enormiter periclitari, juſſit **omnem totius Regni Nobilitatem convocari**, ut de ſtatu ipſius tàm manifeſtè periclitantis, *Oxoniis* &c. diligenter contrectarent. Prælatos autem maxime ad hoc *Parliamentum* vocavit arctius. After which; Scripſit Rex **omnibus regni ſui Magnatibus** ut in feſto Sancti *Edwardi*, omnes ibidem convenirent: Die igitur præfixo convenientes **Magnates** apud *Weſtm.* there was a chriſtal veſſel of the bloud of Chriſt preſented & ſhewed to them ſent from *Hieruſalem*, which the *King* beſtowed on St.
i Mat. Paris, *Peters* at *Weſtminſter*. i *Anno* 1248. (32 *H.* 3. in Octavis
P. 718, 719. Purificationis edicto Regio convocata **totius Regni Angliæ Nobilitas**, convenit Londini, ut de Regni negotiis nimis perturbati, & depauperati, & de temporibus noſtris enormiter mutilati, diligenter & efficaciter ſimul, cum domino Rege contrectaret. Advenerunt igitur illuc, excepta **Baronum, Militum Nobilium**, nec non & Abbatum, Priorum, & Clericorum, multitudine copioſa, novem Epiſcopi, cum totidem **Comitibus**, (there named.) Et cum propoſuiſſet Dominus Rex, (non enim propoſitum ſuum latuit Univerſitatem) pecuniare auxilium poſtulare, redargutus eſt graviter ſuper hoc, &c. Quia quando in ultima tali exactione cui **Nobiles** Angliæ vix conſenſerunt, confecit Cartam ſuam, quod amplius talem non faceret **Magnatibus** ſuis in-
k Mat. Paris, P. juriam & gravamen, &c. k *Anno* 1249. (33 H. 3.) Do-
732. minus Rex ad jam ſolitas cavillationes Romanas recurrens, cum non poſſet **omnes congregatos Regni Nobiles** ad conſenſum flectere, ſingulos ad ſe vocans, vel unicuique ſcribens, affatus eſt eos impudenter ſupplicando, &c. The ſame year, ad clauſum Paſchæ convenerunt
l Mat. Paris, P. 740. **Magnates** Angliæ, prout conditum fuerat eis *Londini*, ut quod Rex ſæpè promiſerat, eiſdem ſaltem tunc adimpleret: but by reaſon of Earl *Richards* voluntary abſence nothing was effected. Et ſic **Magnates** deluſi ad
m Mat. Paris, Pag. to 827. propria remearunt. l *Anno* 1252. (35 H. 3.) Convenerunt

nerunt velut ex edicto regio convocati *Londini* totius Angliæ **Prælati** ferè univerſi & **Magnates**; of whom he deſired a tenth of all Eccleſiaſtical livings granted unto him by the Pope; which all the Biſhops joyntly and ſeverally oppoſed: Soluto igitur cum Regis, Cleri, & **Magnatum** indignatione conſilio. Afterwards, Convocatis denuo, Dominus Rex **Optimatibus** ſuis, qui ſuo impetui primo reſtiterunt, convenit eos de negotio *Vaſconiæ*, quid agendum? cui reſponderunt **Magnates**, &c. Solutum eſt igitur Concilium, Rege hinc inde tam contra **Magnates**, quam contra **Prælatos**, ira ſuccenſus vehementi. There being no mention nor intimation of any Knights, Citizens, Burgeſſes or Commons preſent in it. n *Anno* 1253 (36 H. 3.) In quindena Paſchæ menſe Aprili **tota** edicto Regio convocata Angliæ **Nobilitas** convenit *Londini*, de arduis Regni negotiis ſimul cum Rege tractatura. Extiterunt igitur ibidem cum **Comitibus** & **Baronibus**, Archiepiſcopus *Cantuarienſis*, & Epiſcopi Angliæ ferè omnes. Archiepiſcopus verò *Eboracenſis*, qui in quantum poteſt Regis concilia vitare conſuevit, quia expertus ea frequenter eſſe vana, excuſavit ſe, aſſerens ſe eſſe remotum & ſenem. Pro Ceſtrenſi autem abſente valetudo manifeſta allegavit. In this Parliament the Great Charter was confirmed, and a ſolemn excommunication denounced by all the Biſhops againſt the Infringers thereof. o *Anno* 1254. (38 H. 3.) Congregati iterum Angliæ **Magnates** *Londini*. Quibus ſignificavit Rex, quod pecunia indigebat, &c. Reſponderunt autem omnes & ſinguli, &c. **Magnates** edocti, Regis muſcipulas præcaverunt. p *Anno* 1255. (39 H. 3.) In quindena Paſchæ, quæ vulgaliter Hokeday appellatur, convenerunt *Londini* **omnes Nobiles** Angliæ viri Eccleſiaſtici, quam ſeculares, ita quòd nunquam tam populoſa multitudo ibi antèa viſa fuerat congregata. Ubi Dominus Rex ſe multis debitis conqueſtus eſt fuiſſe implicatum, nec ſe poſſe ſine **Magnatum** ſuorum efficaci juvamine liberari, &c. Inito igitur conſilio, &c. quia il-

n Mat. Paris, p. 838, 839.

o Mat. Paris, p. 358, 359.

p Mat. Paris, p. 876.

lud nullo modo fuiſſet tollerabile, inter eos conceſſum eſt, quòd multum ſeſe gravarent pro magnæ chartæ fine omni cavillatione obſervatione ex tunc & deinceps, quam, &c. Quia neſciebant **Prælati** vel **Magnates** quo modo ſuum Prothea, ſcilicet Regem tenerent, &c. **Nobiles** pro immi nenti exactione, in cordibus ſauciabantur, &c. q *Anno* 1255. (39 H. 3.) Ad feſtum ſancti *Edwardi*, fuerunt apud Weſtmonaſterium **omnes** ferè Angliæ **Magnates**: inter quos prius Rex alloquebatur fratrem ſuum Comitem Cornubiæ Richardum, petens ab eo inſtantiſſimè auxilium pecuniare, &c. Comes autem nec preces Regis, nec Papæ voluit exaudire, & eo maximè, quod negotium eundi in Apuliam aſſumpſit ſine conſilio ſuo & **aſſenſu Baronagii** ſui, &c. Rex itaque, ad conſuetas converſus cavillationes, ut **Magnates** flecteret ad conſenſum, per multos dies negotium Parliamenti diſtulit inchoati, ita ut uſque in menſem fictis occaſionibus negotium protelaret. Et tunc ad alium locum conciliaturos, evacuatis in Civitate *London.* crumenis, potius provocavit, quàm convocavit, &c. Et ſic infecto negotio ſinguli provocati, ad propria remearunt, r *Anno* 1257. (41 H. 3.) in media Quadrageſima factum eſt magnum Parliamentum, &c. Adierant autem ad dictum Parliamentum, Comes Gloverniæ Richardus, Dominus Johannes Manſel, novus in Regem electus Alemanniæ Comes Ricardus, Univerſitati Angliæ valedicturus. Extitit enim ibidem tota ferè Angliæ **Nobilitas**. Sciendum quod in memorato Parliamento generaliſsimo, fuerunt ſex Archiepiſcopi, videlicet Cantuarienſis, Eboracenſis, Dublanenſis, Meſſanenſis, qui opimas à ſingulis Eccleſiis recepit procurationes. Et Tarentinus Appulus, qui venerat ad infatuandum Regem ſuper negotio Apuliæ, the ſixth he forgets to name: But he mentions no Knights, Citizens, Burgeſſes or Commons preſent in, or ſummoned to this moſt general Parliament. t *Anno* 1258. (42 H. 3.) Poſt die Martis, quæ vulgaliter Hokedaie appellatur, factum eſt Parliamentum Londini. Rex namque

q Mat. Paris, p. 884, 885.

r Mat. Paris, p. 878, 879.

t Mat. Paris, p. 933, to 939.

que multis & arduis negotiis ſollicitabatur, &c. Exigit inſuper pecuniam infinitam, &c. Doluit igitur **Nobilitas Regni**, ſe unius hominis, ita confundi ſupina ſimplicitate, &c. In craſtino autem & diebus ſequentibus, habuerunt diligentem Tractatum Rex & **Magnates**, quomodo conterrerent Wallenſium tam intollerabilem cum irruptionibus ſuis crebris inſolentiam. Submonetur igitur generaliter tota Angliæ militia, ut omnes qui tenentur ad ſervitia militaria Domino Regi, ſint prompti & parati ſequi Regem profecturum in Walliam, cum equis & armis, die Lunæ ante nativitatem B. Johannis Baptiſtæ apud Ceſtriam, &c. Eodemque tempore, cum inſtanter & conſtanter reſpondiſſent **Magnates Regni** communiter Regi, qui cum magna inſtantia in memorato Parliamento urgenter pecuniam infinitam ſibi dari poſtulaſſet, pro negotio Apuliæ expediendo, & aliis arduis promovendis, quod nullo modo potuerunt ſine eorum irreſtaurabili ſubverſione toties inaniter ſubſtantiolas ſuas uſque ad exinanitionem effundere, &c. Cum conſtanter & præcisè reſpondiſſent quaſi uno ore **Magnates Regni** in Parliamento Regi, cum urgenter ab eis poſtulaſſet auxilium pecuniare, quòd nec voluerunt, nec potuerunt amplius ſuſtinere tales extortiones. Rex iratus, ad alia ſe convertit aſſutiæ argumenta, &c. Duravit adhuc prælibati Parliamenti altercatio inter Regem & **Regni Magnates**, uſque diem Dominicam proximam poſt aſcenſionem, & multiplicabantur contra Regem variæ diatim querimoniæ, &c. Et quia neſciebant adhuc **Magnates** quomodo ſuum Prothea tenere voluiſſent, quia arduum fuerat negotium & difficile, dilatum eſt Parliamentum uſque ad feſtum ſancti Barnabæ apud Oxoniam diligenter celebrandum. Interim **Optimates** Angliæ ſibi præcaventes & providentes, conſœderati ſunt, &c. † Inſtante vero feſto ſancti Barnabæ Apoſtoli, **Magnates et Nobiles terræ** ad Parliamentum quod Oxoniæ tenendum fuit, properabant, præceperuntque omnibus, qui eiſdem ſervitium militare debuerant, quatenus cum ipſis

† Mat. Paris, p. 940, 941. See *Mat. Pariſienſis Additamenta*, p. 215. *Henricus Dei gratia, &c. cum noviter in Parliamento noſtro, Oxoniæ, communiter fuit Ordinatum &c.*

ſis venirent parati, veluti ad corpora ſua contra hoſtiles inſultus defenſuri, &c. Parliamento autem incipiente, ſolidabatur **Magnatum** propoſitum & Conſilium Immutabile, &c. In all the debates and tranſactions of this Parliament recited at large in our Hiſtorians, there is no mention of any Knights, Citizens, Burgeſſes, Commons, but only of *Comites, Magnates, Barones, Nobiles*, who acted and ſpake all, who are ſtiled **Univerſitas Regni**, and the Statutes and Ordinances they made at *Oxford*, **Statuta Baronum**; to which the Londiners and others aſſented: *u* Circa feſtum ſancti Leonardi tale iniit Conſilium **Univerſitas Baronagii** quod tunc Londini erat. *x* *Anno* 1259. (42 H. 3) Fuit Rex ad Natale domini Londini, ubi magna ſollicitudine tractatum eſt inter **Nobiles Regni**, quomodo conſervato ſuo ſalubri propoſito, ſatisfacerent deſiderio Regis Richardi de Alemannia, &c. *Propoſuerunt igitur* **Magnates** accipere juramentum ab ipſo Rege Alemanniæ antequam applicuiſſet, ne Regno Angliæ quomodolibet noceret, vel proviſionem communem impediret, Comes autem Legriæ Simon, non ſine multorum admiratione, in partibus adhuc tranſmarinis morabatur. Unde in magna parte fuit Conſilium **Baronagii** mutilatum, &c. In craſtino autem intraverunt **Magnates** Angliæ capitulum Cantuarienſe, where King *Richard* took a ſolemne Oath before them, which they preſcribed and adminiſtred to him. In octavis purificationis, congregati ſunt **Nobiles Angliæ** Londini, prout inter ſe prius condixerant, &c. over againſt which is printed in the Margin, *Parliamentum Londini habitum.* After which the Hiſtorian informs us, *William de Hertuno* was ſent into *Scotland*, Negotia enim ardua ſed ſecreta Regi & Reginæ, ac Scotiæ Magnatibus, ſibi injuncta fuerunt, ex parte Regis & Reginæ & **Magnatum** Angliæ. Quicum illuc veniret, Regem Scotiæ & Reginam, & **Regni Magnates**, ibi ad parliamentum invenit, prout deſideravit, congregatos, &c. By which it is evident, That in this Age the King, Queen, and

u Mat. Paris, p. 943, 948. See 960, 961.

x Mat. Paris, p. 951, 952, 953, 954.

y Mat. Paris, p. 955. See Clauſ. 43 H. 3. m. 10. dorſo & 14 Cedula.

and Nobles of *England* and *Scotland*, conſtituted and made up the Parliaments of both kingdoms, without any elected Knights of Shires, Citizens or Burgeſſes, introduced in ſucceeding times. The ſame year, z circa Kalend. Apr. ex præcepto et conſilio Domini Regis Angliæ et totius **Baronagii**, arripuerunt iter tranſmarinum ad Parliamentum magnum Regis *Francorum* tenendum in Francia pro pluribus arduis negotiis Regna Franciæ & Angliæ, de reſignatione Normanniæ et literas credentiæ, &c. **Magnates** vero Angliæ ſtatutis quæ inceperant ſalubriter intendebant, ad malas conſuetudines, injurias et corruptelas amodo delendas, omnino aſſidui et confederati, *a Anno* 1265. (49 H. 3.) after the battel of *Eveſham*, wherein the Barons were ſlaine and routed, on the Nativity of our Ladie, Septemb. 8. Rex poteſtati Regiæ reſtituitur, de conſilio filii victoris *Wintoniam* **Parliamentum** convocavit, ubi conſilio inito, Civitatem *Londinenſem* ob ſuam rebellionem privavit ſuis privilegiis & libertatibus antiquis, Capitaneos etiam factionis contra Regem, juxta voluntatem ejus plectendos jubet carceri mancipari: **Rex et Regni Proceres** (writes *Matthew Weſtminſter*) apud *Winton:* ordinarunt, quod ditiores civitatis *Londinenſis* in carcerem truderentur, quod Cives antiquis libertatibus privarentur, et quod ſtipites et cathenæ quibus Civitas fuerat roborata, de medio tollerentur, pro eo quod *Simoni de Monteforti*, Comiti Leiceſtriæ in regis contemptum, et etiam damnum regni, fortiter adhæſerunt: quod totum factum eſt.

z Mat. Paris, p. 955, 957.

a Mat. Paris, p. 967. Mar. Weſtm. p. 340.

By all theſe Hiſtorical paſſages in *Matthew Paris*, *Riſhanger* his Continuer, and *Mat. Weſtminſter*, it is moſt apparent beyond contradiction, that as there were many writs of ſummons under K. *Henry* 3. to Parliamentarie Councils iſſued to the Spiritual and Temporal Lords before 49 H. 3. not extant in the Clauſe Rolls, or other Records: ſo there were no Knights of Shires, Citizens, Burgeſſes or Commons elected or ſummoned by writ or Charter to theſe Great Councils or Parliaments

ments during all the reign of King *Henry* the 3. until the Parliament held at *London* in *Octabis Sancti Hillarii*, the 49. year of his reign, when they were firſt elected, & ſummoned by writ, for ought appears by Hiſtorie or Record; there being none but the Archbiſhops, Biſhops, Abbots, Priors, Earls, Nobles, Barons, Spiritual and Temporal Lords of the Realm, ſummoned to, conſulting, acting, debating, ordering, enacting Lawes or Ordinances, or granting, refuſing aydes, ſubſidies, or expoſtulating with the King or Pope in any of them; as all theſe tranſcribed paſſages evidence, with the Records of Clauſ. 18 H. 3. m. 10. Vic. *Lincoln*, Clauſ. 19 H. 3 m. 20. cited in my Epiſtle before the firſt part of this *Brief Regiſter, Kalendar and Survey*; and thoſe of 48 H. 3. here cited, p. 4. to 10. To which I ſhall ſuperadde for further confirmation of this truth, Clauſ. 18 H. 3 m. 27. Rex Majori et Civibus ſuis *Dublin*, &c. where the King reciting the death of the Earl *Marſhal* ſlain in *Ireland*; ſubjoyns: Nos vero ea occaſione convocavimus Archiepiſcopos, Epiſcopos, **Comites, Barones, et omnes Magnates** noſtros *Angliæ*, quod ſint ad Nos apud *London* die Dominica prox. poſt inſtantem mediam Quadrageſimam, ad tractandum Nobiſcum ibidem ſuper hiis & aliis Statum noſtrum, & terræ noſtræ *Angliæ* & *Hiberniæ* tangentibus; & Nos Domino concedente **de Conſilio prædictorum** ibidem providebimus ſecundum quod Nobis, et indempnitati terræ noſtræ *Angliæ* & *Hiberniæ* viderimus expedire. Quod verò ad diem illum actum fuerit et proviſum, vobis ſine mora & diſpendio et ſignificari curabimus. T. Rege apud *Weſtm.* 27 die Martii. Plac. 18 H. 3. rot. 15. dorſo: Clauſ. 19 H. 3. dorſo 1. & dorſo 9. *Fitzherbert* Darrein preſentment, 23. Proviſum eſt coram Domino Rege, **Archiepiſcopis, Epiſcopis, Comitibus & Baronibus**, & Conſilio Domini Regis, quod nulla Aſſiſa ultimæ præſentationis de cætero capiatur de Eccleſiiis prębendatis, nec de Prębendis, &c. Pat. 20 H. 3. d. 13. 18. Rex Vic. *Norff.* & *Suff.* Scias, quod die *Merc.* in craſtino Sancti

b Fitz. Nat. Br. 32. c.

Vinc.

Vinc. in Curia noſtra coram Nobis et coram venerabili Patre *E. Cantuar.* Archiepiſcopo, & Coepiſcopis ſuis, et coram majori parte **Comitum et Baronum** noſtrorum *Angliæ*, pro communi utilitate totius regni noſtri proviſum fuit, tam à prædictis Archiepiſcopis, Epiſcopis, **Comitibus** & **Baronibus**, quàm à Nobis conceſſum, quod de cætero, Omnes viduæ, &c. reciting the Statute of *Merton* made that year, according to the c *Printed Latin Prologue* thereof: Clauſ. 37 H. 3. dorſo 9. *De Magna Carta tenenda ad inſtantiam* **Prælatorum** & **Magnatum** *regni noſtri*, &c. And Clauſ. 43 H. 3. dorſ. 9. where the Pope by his Letters earneſtly preſſing King *Henry* the 3d to reſtore his brother *Aldmar* to his Biſhoprick of *Wincheſter*, being enforced to relinquiſh it and *England* too by the Barons proſecution; the King in his Letter to the Pope there recorded, alleged, that though he was readie to gratifie his Holineſs in any thing he might; yet he could not conſent to *Aldmars* reſtitution. Adding, Your Nuntio who brought this Letter, Preces et præcepta veſtra coram Nobis & Prælatis regni noſtri, qui tunc Nobiſcum aderant, ac alia **Univerſitate Comitum, Baronum** ac **Plocerum** regni noſtri, plenè et diligenter expoſuit, et diebus pluribus nitebamur Nos, Conſilium noſtrum, et **Univerſitatem** prædictam; to give their aſſents for *Aldmars* reſtitution. Tamen mandatis hujuſmodi, quod non ſolum perſonam noſtram, verum etiam **Univerſitatem** regni noſtri contingit, non poſſumus abſque gravi diſpendio, et ſubverſione jurium et conſuetudinum Regni ejuſdem, et contra juramentum proprium, adimplere. Et quanquam hoc facere vellemus, prædicta **Univerſitas** in hac parte, quæ unius conſilii et voluntatis exiſtit, propter graves et notabiles exceſſus prædicto fratri noſtro objectas id nullatenus ſuſtineret, &c. Which paſſages, with others in this memorable Letter of the Kings, compared with that Letter ſent about the ſame time by the Lords againſt *Aldmars* reſtitution, to the Pope, *ex parte Regni et totius Angliæ* **Univerſitatis**,

c Cooks 2 Inſtit. p. 79.

scripsum a Barnagio; mentioned by d Matthew Paris, Anno 1258. and printed in his Additamenta, p. 215, 216, 217. beginning thus; Sanctissimo patri in Christo Alexandro, &c. Communitas Comitum, Procerum, Magnatum, aliorumque Regni Angliæ, &c. reciting, that the King by the Popes power and assistance could not without their counsel and assent, much lesse against their wills, effect what he desired; nor reform his Kingdom, but de Procerum & Magnatum suorum Consilio: Cæterum præfatus Dominus Rex attendens impossibile pondus negotii memorati et Statum Regni sui imbecillum, voluit et expressè concessit, ut de Procerum & Magnatum Consilio (sinè quibus Regnum suum gubernare non poterat, nec negotium prosequi memoratum) dicta reformatio promoveret: which Ademar, breaking his Oath, and receding from his promises, opposed, to the great disturbance, and almost total subversion of the whole Realm, &c. His unbridled rapines, tyrannies and oppressions (which they there expresse at large) being such, and rendring him so odious, that Sciturі pro certo, quod etiamsi Dominus Rex & Regni Majores, (assembled in a Parliamentary Councill) hoc vellent, Communitas tamen (out of Parliament) ipsius ingressum in Angliam jam nullatenus sustineret. Which Letter was subscribed and sealed by 6. Earls, and 4. Noblemen, vice totius Communitatis (Barnagii) in testimonium prædictorum: Being likewise compared with the Popes Answer thereunto; e Literæ Papales missæ Communitati Angliæ, Alexander Episcopus, &c. Dilectis filiis, Nobilibus Viris, Consiliariis charissimi in Christo filii nostri illustris Regis Anglie, ac cæteris Proceribus et Magnatibus Regni Angliæ, salutem, et Apostolicam benedictionem, &c. will infallibly evidence. First, that the King, Prelats, Earls, Spiritual, Temporal Barons, and Nobles of the Realm, were our only Parliament Members, without any Knights, Citizens or Burgesses annexed to, or present with them, before 49 H. 3. 2ly. That they were

d Hist. Angliæ Edit. Londini, 1640. P. 978.

e Auctorium Additamentorum: Edit. Londini 1640. p. 322.

were then usually stiled the **Communitas**, or **Universitas Regni**, or **Baronagii**, **Baronagii**, or **Communitas Comitum Procerum et Magnatum regni Angliæ**; and only intended, denoted by these Titles and phrases, not the Knights, Citizens, Burgesses or Commons in Parl. as *e* Sir *Rob Cotton*, and others of Note, as well as some injudicious Antiquaries have mistaken: which having *g elsewhere* at large evinced beyond all contradiction, I shall not here further insist upon; but proceed to some other general Observations on the precedent Writs.

f Cottoni Posthuma, p. 347, 348. Mr. Hacwels Catalogue of speakers.

g see my Epistle to the Exact Abridgment of the Records of the Tower, & Plea for the Lords, p. 359, 360.

2ly. From the manifold Varieties and differences of these recited writs both of *Election* and *Prorogation* before and since the Statutes of *Henry* 4. 5. & 6. touching elections, the Readers may discern the Gross oversight and mistake of Sir *Edward Cook* in his 4. *Institutes*, p. 10. *That these Writs of Summons and Election can receive no alteration but by Act of Parliament:* Which having elsewhere touched, and at large refuted, *Register* Part 1. p. 395. 396, 397. I shall prosecute no further.

3ly. I shall observe from the precedent Writs, that no persons ought of right to be elected Knights of any County, nor Citizens, Burgesses, or Barons of any City, Borough or Port wherein they are elected, but such as are real, actual Members of the said respective Counties, Cities, Boroughs, Ports, residing, or inhabiting within them, as this Clause in all the recited Writs; *De Comitatu tuo duos Milites, et de qualibet Civitate duos Milites, et de qualibet Burgo duos Burgenses, & de qualibet Portu duos Barones, &c. de discretioribus & ad laborandum potentioribus eligi* &c. clearly import, and the Statutes of 7 H. 4. c. 15. 1 H. 5. c. 1. 10 H. 6. c. 2. 23 H. 6. c. 15. (being declaratory only in this point) most punctually enact in precise terms: And if any other persons who are no Inhabitants, or Residents within, or proper Members of such Counties, Cities, Boroughs, Ports be elected or returned, they may lawfully refuse to sit or serve, as the Writs and these Statutes clearly evi-

dence, without the leaſt contempt or penalty, the peoples election of ſuch, contrary to the Writs and theſe Statutes, being void in *Law*, and unable to contradict or reverſe the Writs, Acts to the contrary if inſiſted on.

4ly. Theſe uſual clauſes in moſt Writs *de diſcretionibus, et ad laberandum potentioribus* ſeclude and exempt all *infants under age, Ideots, Lunaticks, infirm, aged, ſickly perſons*, unable to travell, ſit, counſell, adviſe, and diſcharge their truſts, from being elected Knights, Citizens, Burgeſſes or Barons of Ports; and if any ſuch be elected, returned by the overſight, imprudence, improvidence of the electors, they may and ought to be diſcharged by the King and Lords, an others by new Writs iſſued, elected, returned in their places, who are able to adviſe, travel, and diſcharge their duties, as the writs and ſtatutes enjoyn them; Impotency, ſickneſs, and inability in Members elected, being as juſt a ground to diſcharge any Knight, Citizen, Burgeſs or Baron of the Ports from ſerving in Parliaments, as to diſcharge the Speaker of the Commons Houſe, as is evident by the forecited Writs, preſidents, and * returns of Sheriffs in 22. E. 1. by the reſolution of the Parliament it ſelf in 38. H. 8. *Brooks* Parliament 7. againſt Sir *Edward Cooks* groundleſs fancie to the contrary, *Inſtitutes* 4. *p.* 8. there being the ſelf-ſame reaſon and Law too in both caſes.

* Here, p. 54, 55, 59.

5. That the election of any Sheriff of a Countie whiles he continues in his Office, for a Knight, Citizen, Burgeſſe, in his own or any other County, is void and illegal, being againſt the expreſs proviſion of the *Ordinance of Parliament*, 46 E. 3. the very inhibition and words of the writs for election, *b ſome preſidents* before that Ordinance; and the * *reſolution of the Lords and Judges in Starchamber* 5. *Caroli*, in the caſe of *i Mr. Walter Long*, elected and returned a Citizen for the City of *Bath* in *Somerſetſhire*, An. 3 *Car.* whiles he was Sheriff of the County of *Wilts*; who thereupon comming forth of the County againſt his Oath and truſt, and ſitting as a Member in the Houſe during his Shrievaltie, was

h Here, p. 55, 63.

i Mr. Rushworths Hiſtorical Collections, p. 654, 695, 696.

was ſentenced in the *Starchamber* to be *committed Priſoner to the Tower during his Majeſties pleaſure, to pay a Fine of* 2000. *marks to the King, and further to make his humble ſubmiſſion and acknowledgement of his Offence, both in the Court of Starchamber, and to his Majeſty, before his enlargement thence:* Which was accordingly executed. Yet notwithſtanding I finde in the very Statute of 34 & 35 H. 8. ch. 24. *for aſſurance of certain Lands to* John Hind *Serjeant at Law and his heirs, paying* x l. *yearly to the charges and wages of the Knights of the Parliament of Cambridgeſhire for the time being, for ever*; that Edward North Knight, Sheriff of the ſaid Shire, was one of the *two Knights for the ſaid Shire* that very Parliament wherein this Act was paſſed, and he and *Thomas Rudſtone* Eſq, his Companion, and their Succeſſors Knights of the ſaid County, *incorporated and made one body politick*; together with the *Sheriff of the ſaid County for the time being, by the name of Wardens of the Fees and Wages of the Knights of the Shire of Cambridge, choſen for the Parl. and to have perpetual ſucceſſion, to implead, ſue for and receive the ſaid* x l. *annual rent, and that he received his ſhare therein, when both Sheriff and Knight of the Shire, to his own uſe, for his fees & wages that Parliament, til a new election of knights of that County for the Parl. next enſuing it.* And *Sir Edward Cooke informs us, that at the Parliament holden 1 Car. Rs. the Sheriff for the County of* Buckingham (being then himſelf) *was choſen Knight for the County of* Norfolk, *and returned into the Chancery, and having a* Subpœna *out of the Chancery ſerved upon him at the ſute of the Lady C.* pendente Parliamento, *upon motion, he had the privilege of Parl. allowed unto him by the judgement of the whole Houſe of Commons*: though I finde not that he then ſate in the houſe during his Shrievalty. * Inſtit. 4. p. 48.

6. That amongſt the writs of Summons to Parliament in Cl. 23 E. 1. dorſ. 9. 25 E. 1. d. 6. 30 E. 1. d. 12, 35 E. 1 d. 13. 1 E. 2. d. 8. 11. 3 E. 2. d. 17. 11 E. 3. pars 1. d. 15. 32 E. 3. dorſ. 14. There are no writs for electing Knights, Citizens, or Burgeſſes entred with the reſt; moſt likely by the negligence of the Clerks, there being a vacant

vacant ſpace in ſome of them left for their entries: And the Original Writs themſelves being all or moſt of them returned into the Chancery, and there reſerved in diſtinct Bundles by themſelves with the Sheriffs returns upon them (now for the moſt part loſt, miſlayed, periſhed or imbezelled) made them (perchance) more careleſs to enter them, than the Writs to the Spiritual and Temporal Lords, iſſued perſonally to themſelves alone, and not returnable by them or the Sheriffs, as the writs for elections uſually were; which Writs, (as the Statutes of 5 R. 2. ch. 4. & 23 H. 6. c. 15. inform us) *Sometimes the Sheriffs have not returned, but the ſaid Writs have embeſyled; and moreover made no precepts to Mayors and Bailiffs for the election of Citizens and Burgeſſes to come to the Parliament, by colour of theſe words conteined in the ſaid Writs,* Quod in pleno Comitatu tuo eligi facias pro Comitatu tuo, duos Milites, & pro qualibet Civitate in Com. tuo, duos Cives; & pro quolibet Burgo in Com. tuo, duos Burgenſes; The reaſon why ſome of theſe writs are miſſing in ſome extant Bundles, and ſome Cities and Boroughs in thoſe returned, now and then omitted in the Sheriffs returns, (indorſed on or annexed to them) as the ſubſequent Table will viſibly demonſtrate.

7ly. That before the Statutes of 7 H. 4. c. 15. 11 H. 4. c. 1. 1 H. 5. c. 1. 6 H. 6. c. 4. 8 H. 6. c. 7. 10 H. 6. c. 2. 23 H. 6. c. 15. 9 H. 8. c. 16. 27 H. 8. c. 26. 34 H. 8. c. 13. 35 H. 8. c. 11. the Kings of *England* had a very large and abſolute power in limiting, preſcribing in and by their Writs to Sheriffs, Mayors, Bayliffs and others, both the reſpective numbers, and likewiſe the qualifications of the Knights, Citizens, Burgeſſes and Barons of the Ports, elected and returned to ſerve in the ſeveral Parliaments and Great Councils ſummoned by them, ſometimes commanding 4. moſt times only 2. Knights, ſometimes but one Knight to be elected in each County, for the whole County; ſometimes preſcribing the ſelf-ſame Knights, Citizens, and Burgeſſes

geſſes that were elected, returned for the laſt precedent Parliament, to be returned and ſummoned to the Parliament next ſucceeding, if in life and able to travell; and to elect new only in the places of ſuch of them who were dead, ſickly, or infirm; Other times ſummoning only the moiety of them, to perfect what they all had agreed, and been miſtaken in: And alſo ordering new elections in the places of thoſe who would not, or could not attend, or who were unduly elected, or choſen for 2. Counties at once, (as in caſe of the Lord **Camoys* and *Berners.*) Sometimes preſcribing 2. ſometimes 4. Citizens to be elected for *London*; ſometimes 4. other times 2. Barons for every of the Ports, and now and then but 2. Barons for them all: and ſometimes 2. other times but one Citizen and Burgeſſe for each City and Borough: the number of which they increaſed or diminiſh'd, as they ſaw juſt cauſe, omitting now and then ſome Cities, Boroughs out of their writs of ſummons, formerly ſending Citizens, and Burgeſſes to Parliaments and Great Councils, and creating by their Patents, Writs, or both, new Cities and Boroughs, with power to ſend Citizens and Burgeſſes to Parliaments and Great Councils, who never ſent any before; and creating other Boroughs, Cities, Counties within themſelves, and then iſſuing Writs to their Sheriffs, Mayors, and immediate Officers to make their elections and returns; which formerly were iſſued only to, and made by the Sheriffs of the Counties, wherein they were ſituated; as the precedent Writs and returns with the two next Sections will fully evidence: And that without the precedent Votes, or ſubſequent conſents of the Commons Houſe; who from 49 H. 3. till 23 E. 4. and many years after, were never the immediate, ſole or proper Judges, Deſciders either of the undue elections, returns, numbers, or qualifications, of their own Members or Speakers, but our Kings alone or their Counſil and Houſe of Lords; as the premiſes irrefragably evidence, and the Preſidents I have

* Here p. 117, 118.

have cited in my *Plea for the Lords*, p. 371. to 419. To which I ſhall refer the Reader.

8. I ſhall for a cloſe of my Obſervations, give you this brief *Catalogue* of the ſeveral Cities and Boroughs in each County of *England*, which ſent Citizens and Burgeſſes to Parliament, mentioned in the returns of the Bundles of Writs yet extant in the Tower of *London*, An. 26, 28 E. 1. & 42 E. 3. and in the Clauſe Rolls of 45 E. 3 m. 21. dorſ. omitting thoſe in 2, 10, 11, 13, 16 R. 2. 1, 3, 8, 9 H. 5. 1, 2, 3, 6, 11, 13, 20 H. 6. 7 & 12 E. 4. by wch you may clearly diſcern which are antient Cities, Boroughs, in the reigns of *Ed.* 1. & 3. which new, and when each of them began to ſend Citizens, Burgeſſes to our Parliaments; which God willing I ſhall further clear hereafter in a Diſtinct Section, of the *Several forms and numbers of Writs for levying the expences of Knights, Citizens and Burgeſſes of Parliament*; wherein I ſhall preſent you (if it be deemed worthy my pains, and beneficial to poſterity) with an *Exact Kalendar* of the names of all the ſeveral *Knights of Counties, Citizens of Cities, Burgeſſes of Boroughs*, and *Barons of the Ports*, formerly elected and returned to our Parliaments, and receiving wages, extant in the Clauſe Rolls and returns of the Writs for their *Elections*, and *Expences* in the *Tower*, not hitherto undertaken or collected by any man to my knowledge. The firſt Figures ſignifie the years of each King mentioned in the Table.

1 *Bedfordſhire.* *Bedford* Borough returned two Burgeſſes to Parliament Anno 26 E. 1. 42 & 45 E. 3.

2 *Berkeſhire.* *Reding* 2. Burgeſſes, 42, & 45 E. 3.
Walingford 2. Burgeſſes, 42 E. 3.

3 *Buckinghamſhire.* *Amerſham* 2. Burgeſſes, 28 E. 1.
Wendover 2. Burgeſſes, 28 E. 1.
Wycombe 2 Burgeſſes, 28 E. 1. 42 & 45 E. 3.

4 *Cambridgſhire.* *Cambridge* Borough, 2. Burgeſſes, 26, 28 E. 1. 45 E. 3.

5 *Cheſhire.* None in *Ed.* 1. or *Ed.* 3.

Bodmin

Bodmin Borough 2 Burgesses, 26 E. 1. 42, & 45 E. 3. 6 *Cornwall.*
Dunbeued, alias *Launceston*, 2 Burgesses, 26 E. 1. 42 & 45 E. 3.
Helston 2 Burgesses, 26 E. 1. 42 & 45 E. 3.
Lyscard 2 Burgesses, 42 & 45 E. 3.
Lostwithiel 2 Burgesses, 42 & 45 E. 3.
Truron 26 E. 1. 42 & 45 E. 3.
Carelisle City two Citizens, 42 & 45 E. 3. 7 *Cumberland.*
Derby Borough 2 Burgesses, 26, 28 E. 1. 42 E. 3.
Exeter City 2 Citizens, 26, 28 E. 1. 42 & 45 E. 3. 8 *Derbyshire.*
Alsperton Borough 2 Burgesses, 26 E. 1. 9 *Devonshire.*
Bardnestaple 2 Burgesses, 26, 28 E. 1. 42 & 45 E. 3.
Chesing-colleton 2 Burgesses, 42 E. 3.
Dartmouth 42 & 45 E. 3.
Hontton 2 Burgesses, 28 E. 1.
Lydeford 2 Burgesses 28 E. 1.
Okehampton 2 Burgesses 28 E. 1.
Plimpton 2 Burgesses 26 E. 1. 42 & 45 E. 3.
Sutton 2 Burgesses 26 E. 1.
Thavestoke 2 Burgesses, 42 & 45 E. 3.
Totnes 2 Burgesses, 26, 28 E. 1. 42 & 45 E. 3.
Bridport 2 Burgesses, 26, 28 E. 1. 42 & 45 E. 3.
Dorcester 2 Burgesses, 26, 28 E. 1. 42 & 45 E. 3. 10 *Dorsetsh.*
Lyme 2 Burgesses 45 E. 3.
Melcombe 2 Burgesses, 42 & 45 E. 3.
Poole 2 Burgesses, 42 E. 3.
Shaftesbury 2 Burgesses, 26 E. 1. 45 E. 3.
Warham 2 Burgesses, 42 & 45 E. 3.
Waymouth 2 Burgesses, 42 E. 3.
Colecester 2 Burgesses, 26, 28 E. 1. 42 & 45 E. 3. 11 *Essex.*
Maldon 2 Burgesses, 42 & 45 E. 3.
Bristoll, 2 Burgesses, 26, 28 E. 1. 42 & 45 E. 3. After made a Countie of it self. 11 *Glocestershire.*
Glocester 2 Burgesses, 26, 28 E. 1. 42 & 45 E. 3.
Hereford City 2 Citizens 26, 28 E. 1. 42 & 45 E. 3. 12 *Herefordsh.*
Bewley 2 Burgesses, 26 E. 1.
Leominster 2 Burgesses, 26, 28 E. 1. 42 & 45 E. 3.

Weblie 2 Burgesses 28 E. 1.

14 *Hertford.* *St. Albans* Borough 2 Burgesses 28 E. 1.
Hertford 2 Burgesses, 26, 28 E. 1.

15 *Huntingdon.* *Huntingdon* Borough 2 Burgesses, 26, 28 E. 1. 42 E. 3.
Canterbury City 2 Citizens, 26, 28 E. 1. 42 E. 3.

16 *Kent.* *Rochester* City 2 Citizens, 26, 28 E. 1. 42 E. 3.

17 *Lancaster* *Lancaster* 2 Burgesses 26 E. 1.
Preston in Aldernes 2 Burgesses 26 E. 1.

18 *Leicestershire.* *Leicester* Borough 2 Burgesses, 26, 28 E. 1. 42 & 45 E. 3.

19 *Lincolnshire.* *Lincolne* City 2 Citizens, 49 H. 3. 26, 28 E. 1. 42 & 45 E. 3.
Grymesby 2 Burgesses, 26, 28 E. 1. 42 & 45 E. 3.
Stamford 2 Burgesses, 26 E. 1.

20 *Middlesex.* *London* 26 E. 1. 2 Citizens, 42 E. 3. (4 Citizens) 45 E. 3.

21 *Northt.* *Northampton* 2 Burgesses, 26, 28 E. 1. 42 & 45 E. 3.

22 *Norfolke.* *Norwich* City, 2 citizens, 26, 28 E. 1. 42 & 45 E. 3.
Jernemuth 2 Burgesses, 26, 28 E. 1. 42 & 45 E. 3.
Lenne 2 Burgesses, 26, 28 E. 1. 42 & 45 E. 3.

23 *Northum.* *Newcastle upon Tyne* 2 Burgesses, 26 E. 1. 45 E. 3.

24 *Nottingh.* *Nottingham* Borough 2 Burgesses, 26, 28 E. 1. 42 E. 3.

25 *Oxfordsh.* *Oxford* Borough 2 Burgesses, 26, 28 E. 1. 44 & 45 E. 3.

26 *Salop.* *Bruges* (or *Bridgenorth*) Borough 2 Burgesses 28 E. 1. 45 E. 3.
Salop 2 Burgesses, 26, 28 E. 1. 45 E. 3.

27 *Somerset.* *Bath City* 2 Citizens, 26, 28 E. 1. 42 & 45 E. [whole return is likewise extant in the bundles of 3, 10, 11, 13, 16 R. 2. 1, 7, 8, 9, H. 5. 1, 2, 3 H. 6. & 12 E. 4.
Bridgewater Borough 2 Burgesses, 26, 21 E. 1. 42 & 45 E. 3.
Ivelcester 2 Burgesses, 26 E. 1.
Milburne port 2 Burgesses, 26, 28 E. 1.
Taunton 2 Burgesses, 26, 28 E. 1. 42 & 45 E. 3.
Wells 2 Burgesses, 26 E. 1. 45 E. 3. [*Crues.*]

28 *Southsh.* *Winchester* City, 2 Citizens, 26, 28 E. 1. 42 & 45 E. 3.
Alesford 2 Burgesses, 28 E. 1.
Basingstoke 2 Burgesses, 28 E. 1.

Odi-

Odeham 2 Burgeſſes, 28 E. 1.
Overtone 2 Burgeſſes 28 E. 1.
Portesmouth 2 Burgeſſes, 26, 28 E. 1. 45 E. 3.
Southampton 2 Burgeſſes, 26, 28 E. 1. 45 E. 3.
Dunwich 2 Burgeſſes, 26, 28 E. 1. 42 & 45 E. 3. 29 Suffolk.
Gyppeſwich 2 Burgeſſes, 26, 28 E. 1. 42 & 45 E. 3.
Oreford 2 Burgeſſes, 26 E. 1.
Newcaſtle under Lyne 2 Burgeſſes, 45 E. 3.
Stafford 2 Burgeſſes, 26, 28 E. 1. 42 & 45 E. 3. 30 Staffordſh.
Blechingleigh Borough 2 Burgeſſes, 26, 28 E. 1. 42 & 45 E. 3. 31 Surry.
Gildeford 2 Burgeſſes 26, 28 E. 1. 42 & 45 E. 3.
Reygate 2 Burgeſſes, 26, 28 E. 1. 42 & 45 E. 3.
Southwerke 2 Burgeſſes, 26, 28 E. 1. 42 & 45 E. 3.
Chicheſter City 2 Citizens, 26 E. 1. 42 & 45 E. 3. 32 Suſſex.
Arundel Borough 2 Burgeſſes, 42 & 45 E. 3.
Brembre 2 Burgeſſes, 42 E. 3.
Eaſt Greenſtead 2 Burgeſſes, 42 & 45 E. 3.
Horſham 2 Burgeſſes, 42 & 45 E. 3.
Lewes 2 Burgeſſes, 26 E. 1. 42 & 45 E. 3.
Midhurſt 2 Burgeſſes, 45 E. 3.
Seaford 2 Burgeſſes, 26 E. 1. 45 E. 3.
Shorham 2 Burgeſſes, 26 E. 1. 42 & 45 E. 3.
Steining 2 Burgeſſes 26 E. 1. 42 E. 3.
Coventre City, 2 Citizens, 26, 28 E. 1.
Warwick Borough 2 Burgeſſes, 26, 28 E. 1. 42 & 45 E. 3. 33 Warwick ſhire.
Apelby 2 Burgeſſes, 26, 28 E. 1. 42 & 42 E. 3.
New Sarum City 2 Citizens, 26, 28 E. 1. 34 Weſtmerl.
Bedwine Borough 2 Burgeſſes, 42 E. 3. 35 Wiltſhire.
Calne 2 Burgeſſes 26, 28 E. 1.
Chipenham 2 Burgeſſes, 26, 28 E. 1.
Deviſes 2 Burgeſſes, 28 E. 1. 42 E. 3.
Downton 2 Burgeſſes, 26, 28 E. 1.
Ludgerſale 2 Burgeſſes 28 E. 1.
Merleburge 2 Burgeſſes, 26, 28 E. 1. 42 E. 3.
Malmesbury 2 Burgeſſes, 26, 28 E. 1. 42 & 45 E. 3.
Old Sarum 2 Burgeſſes, 42 E. 3.

Wilton 2 Burgeſſes 28 E. 1. 42 E. 3.

36 *Worceſter.* *Worceſter* City 2 Citizens, 26, 28 E. 1. 42 & 45 E. 3.
Wych 2 Burgeſſes, 25, 28 E. 1.

37 *Yorkſhire.* *Yorke* City 2 Citizens, 49 H. 3. 26, 28 E. 1. 42 & 43 E. 3.
Aluerton 2 Burgeſſes, 26 E. 1.
Beverlayco 2 Burgeſſes, 26 E. 1.
Kingſton upon *Hull* 2 Burgeſſes 42 & 45. E. 3.
Maldon 2 Burgeſſes, 26 E. 1.
Pontefrall 2 Burgeſſes, 26 E. 1.
Scardeburgh 2 Burgeſſes, 28 E. 1. 42 & 45 E. 3.

I ſhall obſerve from theſe Writs, and the foremen-
a Here p. 41. 58, 59. tioned Retorns and Table; 1. That the Sheriff of *Buckinghamſhire* in Anno 26 E. 1. retorns, *Nulli ſunt Cives nec Burgenſes in Com. prædicto. nec Burgus, &c.* yet in 28 E. 1. but two years after, the Sheriff thereof retorns 2. Burgeſſes a piece, (with 2. Mainucaptors for every of them) for *Amerſham*, *Wycombe*, *Wendover*, elected for a former Parliament that year: Therefore it is probable the King firſt created them Boroughs that very year: The like obſervation you may make upon the Boroughs of all other Counties where you meet with any Retorns in 26, 28 Edw. 1. 42 Edw. 3. or ſince, reciting, *Nulla eſt Civitas vel Burgus*, or *Non eſt alia Civitas vel Burgus*, or *Non ſunt alii Burgi in Com.* or *Balliva mea*, then thoſe he then retorned as ſuch: there you may certainly reſolve, that every City or Borough omitted then out of thoſe antient Retorns and ſince retorned for Cities or Boroughs in ſubſequent Retorns, were made Cities and Boroughs ſince that time; and where you find any City or Borough firſt mentioned in the Sheriffs Retorns yet extant, (which are but 22. Bundles in all before the end of *Edward* 4. his Reign,) or in the Writs in the Clauſe Rolls iſſued to them, *De expenſis Civium & Burgenſium venientibus ad Parliamentum*; which are more by far than the Bundles, (as I ſhall hereafter God willing

evidence

evidence in a peculiar Section,) you may probably, if not certainly, conclude, That it was first created a City, or Borough, and enabled to send Citizens or Burgesses to Parliament near that year, wherein you first find such mention of it in both or either of these Records, and not before, as the precedent and ensuing Table will more fully inform you. 2ly. You may clearly discern by this Table, and the subsequent Returns of Writs, Anno 3, 11, 12, 13. 16 R. 2. 1, 3, 8, 9 H. 5. 1, 2, 3. 6, 11, 13, 20 H. 6. 7, & E. 12, 4. that some Cities and Boroughs, which send Citizens and Burgesses to Parliament were oft times omitted out of the Sheriffs Returns in antient times, and yet imprinted into subsequent returns *interpolatis vicibus*; Now whether this was done by special direction from the King or his Council, (on whose Arbitrary pleasure they depended (before they had * *special Charters granted enabling them to send Citizens and Burgesses to all Parliaments, to be afterwards held by the King, his Heirs and Successors Kings of England*) or by the carelessnesse of the Sheriffs in not issuing out Warrants to or not returning them; which is most probable, as the Stat. of 5 R. 2. Parl. 2. c. 4. & 32 H. 6 c. 15 inform us, and thereupon enacted, *That if any Sheriff of the Realm be from thenceforth negligent in making his Returns of Writs of Parliament, or* that he leave out of the said Returns any Cities, or Boroughs which be bound, *of old times were wont to come to the Parliament, he shall be punished in manner as was accustomed to be done in the said case in the said time past. And that every Sheriff after delivering of the Writ for elections to him, shall without fraud make and deliver a sufficient Precept to the Maiors and Bayliffs of the Cities and Boroughs within his Countie for electing Citizens and Burgesses*, under the penalties therein mentioned. Or whether they were thus omitted, through their own default in not demanding Warrants from the Sheriffs, or not electing and returning Burgesses upon their Warrants issued, (to which many times the

b See Hobarts Reports, p. 14. 15.

the Sheriffs retorned *nullum mihi dederunt reſponſum, &c.*) I cannot certainly determine. 3ly. That ſome antient Boroughs once or twice retorned heretofore in former times (as *Lydeford* in *Devonſhire*, and others) have afterwards been totally omitted and diſcontinued, either by the Kings mere pleaſure, or upon their own Petitions to the King, they being either unable or unwilling to bear the expences of their *Burgeſſes* in coming to, continuing at, and returning from the Parliament, which were conſtantly levyed heretofore by writs *de expenſis Burgenſium levandis*, ſued to them or the Sheriffs after moſt Parliaments ended by many Burgeſſes of Boroughs as well as by Knights of Shires, and Citizens of Cities, as I ſhall, (if God ſay Amen) demonſtrate at large in its due place, and ſhall hereno further inſiſt upon. 4ly. That of late times ſome of theſe antient long-diſcontinued Boroughs have been revived, and new Writs or Warrants for electing Burgeſſes ſent unto them, ſometimes upon their own Petitions; now and then upon ſome Courtiers Petition to the King, in hopes by Letters from the Court and Feaſting or Bribing the Burgeſſes, to be elected, and retorned Burgeſſes for the revived Boroughs; ſometimes by motion or order of ſome Members of the Commons Houſe who had a deſign to bring in ſome Burgeſſes, and made ſure of the Burgeſſes Voyces before hand; the Burgeſſes being now very willing to have their Boroughs revived, becauſe many times inſtead of giving wages to their Burgeſſes, for their ſervice in Parliament as of old, they receive not only thanks, Feaſts, but Rewards and Boons, if not underhand Bribes for their Voyces, from their elected Burgeſſes, who aſſure them before their choyce, they will neither expect nor exact any expences from them, which many of them ſcarce deſerve, ſince they do neither them nor their Country any ſervice at all in Parl. promoting only their own private intereſts or ends, or their friends.

Finally, though I ſhall readily ſubſcribe to Mr.

Linlions

Littletons opinions, Section 164. 'That the antient 'Towns called *Boroughs*, be the most antient Towns 'that be within *England*, For the Towns that now be 'Cities or Counties, in old time were Boroughs, [c] 'and called *Boroughs*; for of such old *Towns* called *Boroughs* come the Burgesses of the *Parliament*, to the *Parliament*, when the King hath summoned his Parliament, which I shall further clear in the next Sections; yet I can by no means assent to Mr. *William Lambard* of [d] *Lincolns Inne* his Judgement, (though a *learned Antiquary*) or some others inferences thence, who thus argues. Now as those written Authorities do undoubtedly confirm, 'Our assertion of this manner of 'Parliament, so is there also an unwritten Law or Prescription, that doth no less *infallibly* upbold the same; 'For it is well known that in every quarter of the 'Realm a great many of *Boroughs* do send their *Burgesses* to the Parliament, which are nevertheless so antient, and so long since decayed, and gone to nought, 'that it cannot be shewed, that they have been of any reputation, at any time since the *Conquest*, and much less, that they have obtained the Privileges, by the Grant of any King succeeding the same, so 'that the interest which they have in Parliament 'groweth by an antient usage before the Conquest, 'whereof they cannot shew any begining. Which thing is also confirmed by contrarie usage in the 'self same thing. For it is likewise known, that 'they of antient Demesn do prescribe, in not sending to the *Parliament*; For which reason also, 'they are neither Contributors to the Wages of 'Knights there, neither are they bound to sundry 'Acts of Parliament, though the same be generally 'penned, and do make no exception of them, But 'there is no antient Demesn, saving that only which 'is described in the Book of *Domesday*, under the 'Title of *Terra Regis*, which of necessity must be 'such, as either was in the hands of the Conqueror himself, who made the Book, or of *Edw.* the Confessor that

[c] Cooks 1 Instit. f. 159.

[d] His Archaion or Commentary upon the High Courts of Justice, p. 257, 258, 259.

"that was before him. And ſo again, if they of An-
"tient Demeſne have ever ſince the Conqueſt, pre-
"ſcribed not to ſend Burgeſſes to Parliament, then
"no doubt there was a Parliament before the Con-
"queſt, to the which they of other places did ſend their
"Burgeſſes. To which I anſwer, that this Argu-
ment is fallacious, and no waies concluſive. For 1.
theſe antient decayed Burroughs that now in many
places ſend *Burgeſſes* to the *Parliament*, were in no ſuch
great reputation at all at or before the Conqueſt, as
is inſinuated, for ought appears by the *Book of Doomſ-
day*, or any other Record or Hiſtorie, but as mean and
inconſiderable as now they are. 2ly. There is no Hi-
ſtorie or Record, that any of theſe Boroughs, whether
decayed, or not decayed, yea though much enlarged,
enrichd ſince the Conqueſt, did ever ſend Burgeſſes to
any one Parliament, either before or after the Con-
queſt, till 49 *H.* 3. And I challenge all the Antiqua-
ries in *England* to demonſtrate the contrarie by *Hiſto-
ry* or *Records*. 3ly. It is irrefragable by the foremen-
tioned returns of Sheriffs, that all or moſt of thoſe
poor or decayed Boroughs in *Cornwall*, *Devonſhire*,
Wiltſhire, *Southampton*, *Suſſex*, and ſome other Coun-
ties, did in 26 E. 1. and ſome years after, ſend no Bur-
geſſes at all to our Parliament; as *Camelford*, *Foway*,
Grantpount, St. *Germins*, St. *Ives*, St. *Maries* [or *Maws*]
St. *Michael*, *Portlow*, *Saltaſh*, *Trebonny*, *Tregony* in Corn-
wall, *Bearalſton* in Devon, *Chriſtchurch*, *Newport*, *New-
town*, *Stockbridge*, *Whitechurch*, *Yermouth* in the Coun-
tie of *Southampton*, *Midhurſt* and *Horſham* in *Suſſex*,
Crickland, *Henden*, *Old Sarum*, *Heytesbury*, *Weſtbury*,
Wotton Baſſet in *Wiltſhire*; with others in other Coun-
ties, as the precedent Table clearly demonſtrates:
all or moſt of them being enabled to ſend Burgeſſes
to Parliament ſince the reign of *Edw.* the 1. and not
before: much leſs by preſcription before the Con-
queſt, as M. *Lambard* and others conceit; and that per-
chance not by any ſpecial Charters of our Kings crea-
ting

ving them *Boroughs* or *Corporations*, but by private directions of the King and Counſil to the Sheriffs of Counties wherein they were, to iſſue out Precepts to them to elect and return *Burgeſſes*, when they ſaw any juſt cauſe; not by antient uſage or preſcription before the Conqueſt, which none of theſe Boroughs ever yet pretended or inſiſted on, for ought I can find, upon my beſt inquiry after their Original. 3ly. The antienteſt writs for Knights wages extant, are thoſe of 28 E. 1. Rot. Clauſ. dorſ. 3, & 12, & cl. 29 E. 1. dorſ. 17. 32 E. 1. dorſ. 3. and no Records, Hiſtories or Lawbooks I have ſeen, derive their original higher than the Reign of King *Edward* the firſt. The firſt Statute concerning them is that of 12 R. 2. c. 12. (on which the writ in the Regiſter is grounded) which enacts only, *That the levying of the expences of Knights ſhall be, as hath been uſed before this time*: the next Statute of 11 H. 4. c. 1. enacts, *That Knights of Shires unduly retorned ſhall loſe their wages of the Parliament* **of old time accuſtomed**, (not at or before the Conqueſt accuſtomed.) The firſt printed caſe concerning them in our Lawbooks, is but in *M.* 12 H. 4. f. 3. *a.* Fitzh. Avowry 52. & Br. 42. and the firſt * Petitions in Parliament concerning them, are thoſe of 28 & 51 E. 3. Yea no man can prove there were any Knights for Counties elected and ſent to Parliaments by the Kings Writs before 49 H. 3. Therefore, the preſcription to be diſcharged from contributing to their wages, cannot be extended higher than 49 H. 3. not to the Reign of the Conqueror, or before the Conqueſt, as Mr. *Lambard* would ſtrain it. 4ly. The writ in the *Regiſter*, part 1. *f.* 192. made after the Statute of 12 R. 2. c. 12. to exempt the Biſhop of *London's* Tenants at *Fulham*, from contributing to the expences of the Knights of *Middleſex*, recites only; 'Quod 'licet ipſi & eorum Anteceſſores, & Prædeceſſores, 'expenſis Militum ad Parliamenta noſtra, vel Pro'genitorum noſtrorum quondam Regum Angliæ,

* An Exact Abridgement of the Records in the Tower, p. 86.

"pro Communitate Com. prædicti ante hæc tem-
"pora venientium nullatenus ſolvere aut contribu-
"ere conſueverunt. And one of the Writs in the
"Regiſter, *f.* 261. *b.* Vic. *Huntingdon*, Quod Homi-
"nes de antiquo Dominico non contribuant expen-
"ſis Militum, begins thus. Cum ſecundum con-
"ſuetudinem in Regno noſtro Angliæ hactenus
"obtentam & approbatam, homines & tenentes
"de antiquo Dominico Coronæ Angliæ, quieti ſunt
"& eſſe debeant, a contributione expenſarum Mi-
"litum ad Parliamenta venientium: Both which import only, That neither they nor their Predeceſſors or Anceſtors, ſince Knights were firſt ſent to Parliaments in 49 H. 3. or afterwards, were accuſtomed to contribute towards their expences, but exempted from the ſame: Not that there were ſuch Knights who had wages, and that they were exempted from it, before the Conqueſt: And that other form of the Writ in the *Regiſter*, *f.* 261. *a.* touching Tenants of antient Demeſn, "Quod licet ipſi & eo-
"rum Anteceſſores tenentes de eodem manerio,
"A TEMPORE QUO NON EXTAT MEMORIA,
"SEMPER HACTENUS QUIETI ESSE CONSUE-
"VERUNT de expenſis Militum ad Parliamenta no-
"ſtra vel Progenitorum noſtrorum Regum Angliæ
"pro Communitate dicti Comitatus venientium, muſt have the ſelf-ſame interpretation: or this at leaſt which is equivalent to it. That time out of mind, before there were any Knights of Shires elected in the County, they were alwayes free from contributing to their Wages, and never uſed to pay any ſuch Tax; (this preſcription will extend to all times before 49 H. 3. and the Conqueſt it ſelf:) And ſince 49 H. 3. and the elections of Knights of Shires, *they* and their *Anceſtors* time out of mind, or, *of old time* (as the ſtatutes of 5 Richard 2. cap. 4. 11 Henry 4. cap. 1. expreſs it) have alwayes uſed to be quit from ſuch expences

pences of Knights, and never charged with them. There are many *Preſcriptions* and *Cuſtoms* in uſe in King *Edward* the third his time, and ſince, which are ſaid to be *time out of mind*, yet certainly they had their Original not before, but long ſince the Conqueſt, as you may read in *Brook*, *Fitzherbert*, and other Law-Books, Title Cuſtome and Preſcription, and *Cooks* 1 *Inſtitutes*, *fol.* 58. 113. "That "which hath been uſed, or preſcribed in but for "two or three Ages only, or out of the memory "or mind of men then living, being * reputed "a legal *Cuſtome* or *Preſcription*, 34 Henry 6. 36. "*Br.* Preſcription 6. Therefore this Preſcription of "Tenants in Antient Demeſn, to be exempt from "contributing to Knights wages, or not to ſend "Burgeſſes to the Parliament, *time out of mind*, "will no waies warrant Mr. *Lambards* concluſion "thence. *Ergo*, No doubt there was a Parliament "before the Conqueſt, to which they of other "places uſed to ſend their Knights and Burgeſſes. I am certain that at this day Tenants in *Antient Demeſn*, can plead, that both they and their Anceſtors *time out of mind* of man, were never accuſtomed to pay *Exciſe* for any thing, for which Exciſe is now generally demanded; will it therefore follow; *Ergo*, all places elſe now ſubject to pay Exciſe, were lyable to pay it before the Conqueſt, when as it was firſt ſet on foot ſince 1642? If not, then Mr. *Lambards* Argument is as great an inconſequence as it, ſeeing Knights and Burgeſſes of Parliament began, not before the 49th. of *Henry* the third, as I have evidenced: and were never heard of (as he conceits) before the Conqueſt, which none of the Authorities cited by him do ſatisfactorily evidence, and all Hiſtories, Records from the Conqueſt, till 49 *Henry* the 3d. moſt clearly refute. I ſhould now proceed to the 5th. Section, *Of Writs for electing* Knights, Citizens *and*

* Hobards Reports, p. 117, 118, 198, 199.

Burgeſſes, *iſſued to the* Earls, Dukes, Lieutenants, *and* Chancellors *of the* Dutchy *of* Lancaſter, *the Sheriffs of* London, Briſtol, York, New-caſtle *upon* Tine, Norwich, Lincoln, Kingſton *upon* Hull, Southampton, Coventry, Canterbury, *and other Towns made Counties within themſelves, after their ſeverance from the Shires in which they are ſituated: with ſome forms of their* Returns, *and uſefull* Obſervations *on them*; but the preſent Exigence of our affairs, and ſtrange Vote of a few *Commoners, Jan.* 5. 1659. creating themſelves a *Parliament* without a King or Houſe of Lords, and *adjudging, declaring* above *two hundred Members to ſtand* diſcharged *from voting or ſitting as Members of this Parliament, during this Parliament*; And *that Writs do iſſue to elect New Members in their Places*, behind their backs (as being either afraid or aſhamed to look them in the faces) without naming any one of them, and that before the leaſt legal accuſation, hearing, trial or conviction whatſoever, of any delinquency, except only their loyalty, ſincerity, fidelity to their King, Country, the Rights and Privileges of Parliament, conſtant adhering to their original Truſts, Oaths, Proteſtation, Covenant, Vow, Votes, Ordinances, Declarations, Remonſtrances, Principles of Piety, Honeſty, Chriſtianity, and abomination of all Treachery, Perjury, Jeſuitical Practices, and deſtructive publick Innovations, contrary to the expreſſe Word of God, the Fundamental Laws, Statutes and Government of this Realm, and the tenor of the Writs and Indentures wherby they were made Members, which their ſecluders have violated, ſubverted in the higheſt degree, hath cauſed me to publiſh this Chapter by it ſelf; wherin I have, as * elſewhere, made good to all the world, by Records, Preſidents, Judgements in Parliament, law, reaſon, and divinity too, *That the whole Houſe of Commons, in its greateſt fulneſſe freedom and power, never had any lawfull right*

* Ardua Regni, Plea for the Lords p. 371, to 419. The 1. part of this brief Regiſter, p. 27, 28, 177, 219, to 222, 434, 435.

or

or Authority, upon full hearing, evidence, conviction, to expel any ſingle Member of the Houſe for breach of truſt, or other miſdemeanor whatſoever (no more than one *Judge, Juſtice, Commiſſioner, Committee, or Grand Jury-man,* to unjudge, uncommiſſion, diſcharge or eject another, being all equals, equally intruſted by the people, and having no power of judicature over each other) without the Lords or Kings conſent, in whom the ſole Judicature in our Parliaments reſides; much leſſe then the Tenth part of the Commons Houſe, (ſitting under a viſible force, and keeping four times their Number of Members out by armed guards, which nulls all they vote or do) to eject the Majority of the Houſe, order New Elections of others in their places, and make them uncapable to be elected, by the meer Club-law, of *pellitur e medio ſapientia, vi geritur res:* which unparalell'd injuſtice neither theſe excluded Members, nor yet the Counties, Cities and Boroughs for whom they ſerve, nor the Freeborn *Engliſh Nation,* nor *Army-Officers* ſo lately diſofficed, caſhiered for ejecting the ſecluders, upon as good grounds, and by the ſame *Law of the longeſt Sword* they now make uſe of, * will patiently endure to their own and the Nations infamy, the ruine of our Parliaments Conſtitution and Privileges, if connived at in theſe times of ſad diſtraction.

* Exact Coll. P. 496, 498.

I ſhall deſire theſe forcible *Secluders,* and *Voters* of us out of the Houſe, ſeriouſly to conſider theſe Paſſages of (a) *A Declaration of the Lords and Commons aſſembled in Parliament,* to which many of them were parties, in anſwer to his *Majeſties Declaration* 23. October 1642. *If the truth was that the army* (of the King) *is raiſed, to force ſome particular Members of this Parliament, to be delivered up, yet upon this ground would it follow,* **that the ſame is levied againſt the Parliament:** for *we have often declared to his Majeſtie and the World, That we were alwaies ready to receive any evidence or accuſation againſt any of them, and to judge and puniſh them, according to their demerits; yet hitherto*

(a) Exact Coll. P. 650, 655, 657.

therto no Evidence produced, no Accuſer appearing, (the caſe of the now ſecluded, ejected, diſabled Majority of the Members) *And yet notwithſtanding to raiſe an Army to compell the Parliament to expoſe thoſe Members to the fury of thoſe wicked counſellors, that thirſt after nothing more than the ruine of them and the Commonwealth; What can be more evident, then that the ſame is levied* **againſt the Parliament**? for, did they prevail in this, then by the ſame reaſon might they demand (and theſe now ſitting forcibly ſeclude and eject) **twenty more, and conſequently, never reſt ſatisfied, until their malice and Tyranny did devour all thoſe Members they found croſſe and oppoſite to their lewd and wicked deſigns** (as our ſecluders have done) **and ſo by depriving the Parliament of their Members, deſtroy the whole Body.** Thus ſeconded in * *The Remonſtrance of the Lords and Commons aſſembled in Parliament*, Nov. 2. 1642. in anſwer to his Majeſties Declaration. *This is the doctrine of that Declaration, 5. That his Majeſty, or any other perſon, may upon* **ſuggeſtion** *and* **pretence** *of Treaſon, Felony, or the breach of the Peace, take the* **Members of Parliament out of either Houſe of Parliament**, *without giving ſatisfaction to the Houſe whereof they are Members, of the grounds of ſuch ſuggeſtion or accuſation, and without and againſt their conſent*: **ſo they may diſmember a Parliament when they pleaſe, and make it what they will, when they will**: (as our ſecluders have done, by voting and keeping out above 200. by meer force before Accuſation or Hearing) *And in their* * *Declaration of Auguſt* 4. 1642. wherewith I ſhall conclude. *If the King* (by his Army) *may force this Parliament* (as our ſecluders have done) *they may bid farewell* **to all Parliaments, for ever receiving good by them.** *And if* **Parliaments be loſt, they** (the people) **are loſt, their Laws are loſt** *as well theſe lately made, as in former times,* **all which will be cut in ſunder with the ſame ſword now drawn for the deſtruction of this Parliament**; as they are now by the forcible ſeclusion of the Members by Order and Command of thoſe now ſitting.

* Exact Collection, p. 739.

* Exact Collection, p. 4, 6.

ERRATA.

PAge 8. l. 7. r. *Subortam*, p. 22. l. 7. *ſuſtentari*, l. 18. *ſcire*, p. 26. l. 7. *Comitum*, p. 25. l. 4. Et, *de*, p. 37. l. 6. *poſſet*, p. 50. l. 2. Hertford, r. *Berks.* p. 54. 28. *extitit.* p. 63 l. 31. r. *to wit.* p. 79. l. 18. their, r. *this.* p. 83. l. 3 *partium.* p. 94. l. 11. *et, per* p 95. l. 2. 21 r. 27 *E.* 3. P. 119. l. 28. unreaſonable, r. *unanſwerable.* l. 33. *a new writ for.* p. 120. l. 26. et, r. *per.* p. 121. l. 14. *Avunculo.* p. 122, l. 15. 16, r. 9 *E* 2. *c.* 13. 7 H. 4 p. 126. l. 11. 1, r. 7 *H* 4. p. 128. l. 126. *brevi.* p. 145. l. 26. *Baronis.* p. 171. l. 13, 14. imparred, r. *inſerted.*

FINIS.

THE

MISCELLANEOUS

WORKS

U*.5.24

OF

WILLIAM PRYNNE, Eſquire,

UTTER-BARRESTER, *of Lincolnes Inne.*

VOL. XXIV.

PSALME 120. *v.* 5, 6.

My Soule hath long dwelt with them, that are enemies unto peace: I labour for peace; but when I ſpeake unto them thereof, they make them ready to Battle.

London: Printed for the Author, and are to be ſold by *Edward Thomas*, dwelling in *Green Arbour.*

THE SECOND PART
OF A
BRIEF REGISTER
AND
SURVEY
Of the ſeveral Kinds and Forms of
Parliamentary VVrits.
COMPRISING
The *ſeveral Varieties* and *Forms of Writs* for *electing Knights, Citizens and Burgeſſes for Parliaments* and Great *Councils*, iſſued to *Sheriffs of Counties* only, with the *antienteſt Returns* of theſe Writs by *Sheriffs* yet extant on Record (from 49 H. 3. til 22 E. 4.) amongſt the Records in the *Tower*: intermixed with other rare Writs, pertinent to this ſubject; and ſome Writs of *Prorogation* and *Re-ſommons*, with ſpecial uſefull *Annotations* and *Obſervations* on them, after moſt of theſe *Writs* recitals, for the Readers information.

Wherein the Original of the *Commons Houſe*, and elections of *Knights, Citizens, Burgeſſes*, and *Barons of Ports* to ſit in *Parliament*, is infallibly evidenced to be no antienter than 49 H. 3. the *Preſidents* and *Obiections* to the contrarie, anſwered: The Original of antient *Boroughs*, and how many they were under King *Edward* the 1. 2. 3. diſcovered: The Power of the *Kings* of *England*, in creating new Boroughs by Charters or Writs, *augmenting*, diminiſhing the number of Knights, Burgeſſes, Members of the Commons Houſe, and altering the *Forms* of *Writs* of *Summons*, without a Parliament; The inability of the *Commons Houſe* to *eject*, or *cenſure* any one of their *Members*, much leſs the major part (as now) without the *King* or Houſe of *Lords* concurrence and Judicature, and the inconſiſtency of force and armed Gards with Parliaments freedom, are fully evidenced. Some groſſe miſtakes touching Parliament Writs and Members refuted, with many other *Rarities concerning Parliaments*.

By *William Prynne* Eſquire, a Bencher of *Lincolns-Inne*.

Jer. 6. 16. *Thus ſaith the Lord, ſtand ye in the waies and ſee, and ask for the old paths, where is the good way? and walk therein, and ye ſhall find reſt for your Soules: but they ſaid, We will not walk therein.*

LONDON, Printed by *T. Childe* and *L. Parry*, and are to be ſold by *Edward Thomas* at the *Adam* and *Eve* in *Little Britain*. 1660.

To the Reader.

Courteous Reader,

LEt it seem neither *strange, nor injurious, nor unrea-*
sonable or unseasonable to thee, that I now publish
only one single Section *and* Fragment *of the* several
Forms of Writs *for* electing Members *of the* Com-
mons House in Parliament, *without the remaining* Sec-
tions *I at first intended to accompany it, to make it com-*
pleat; when as a very small Fragment *of the old* Com-
mons House, *not the full* Tenth part *of it, (after their*
own double forcible dissipation *by the* Army,) *have*
by their own special command *forcibly excluded all the*
old secluded Members, (*being above* 200.) *by armed*
Gards, not only out of the House but Lobby *too*, De-
cemb. 27. *and voted them* quite out of the House *the*
5*th. of* January 1659. *without the least accusation or*
hearing, behind their backs, *though ready to justify*
themselves face to face against all Objections, contrary to
all Laws of (*a*) God, Nations, *and the* Land; *which*
judge *and* disfranchise no man how criminal or vile
soever, before he be heard, & have his Accusers face
to face, and have license to answer for himself con-
cerning the crimes laid against him. *It* seeming
(*b*) **unreasonable** (*even in the judgments of mere Pagans*
to imprison or condemn any person, and not witha
to signifie the crimes laid against him. *The only groun*
of this their Unparliamentary *bruitish Vote witho*
any crime, cause, or particular Members *names expre*
sed in it, is our (*c*) voting the Kings Concessions upo
the Propositions, to be a Ground for the House t
proceed upon for the settlement of the peace of th
Kingdom, *according to our Trusts, Judgements, Co*
sciences, after 3. *daies and one nights debate without di*
vidin

a Deutr. 17. 2, to 14. John 7. 51. Acts 23. 30, 35. c. 24. 8, &c. c. 25. 16, 17, 18. Magna Charta c. 39.

b Acts 25. 27.

c See the Epistle to my Speech, Dec. 4. 1648.

See 901.4:161

viding the House, when there were above 300. *Members present: for which Vote alone* Decemb. 5. *(as it now appears) they then gave secret Orders to the Army* Officers *to secure* 45. *and seclude above* 200. *more Members* Dec. 6 & 7, 1648. *and since that to re-seclude them,* May 7 & 9. *and* Decemb. 27, 1659. *placing treble* Gards *at the door,* January 5. *when they passed their vote to discharge, & disable them from sitting, to keep them out if they then attempted to enter. Had this bin only a sin of* Ignorance, *or private Injury, we should with patience and Christian charity, have pretermitted and remitted it with our Saviors prayer,* Father forgive them for they know not what they do: *but being a wilfull malicious, unnatural crime against not only their Fellow-Members, contrary to all rules of Justice, Nature, and the Gospel it self, resolving,* That there should be no Schism in the Body *(of the House or Parliament, no more than in the natural Body)* but that **the Members should have the same care one of another,** *and whether* **one Member suffer, all the Members suffer with it;** *but also the highest injury and affront to all those Counties, Cities and Boroughs they represent, and a new kind of* Gupowder-Treason, *to blow up all* English Parliaments foundations, Rights, Privileges, Members, *and the* fundamental Government, Laws, *and* Liberties *of the people in succeeding generations, if connived at, & not fully vindicated; being* 6. *several times, or more, impenitently perpetrated by them, the last after their own late double dissipations by divine retaliation, which they so* highly reserved as Treasonable *and* Flagition *in* Cromwell *and* Lambert, *seconded with an old and new* Engagement *and Oath of* Abjuration, *which some of them have already taken, & intend to obtrude upon the Consciences of our* 3. *Nations, to send them down quick into Hell, if taken, or ruine them in their* Liberties & Properties *if denied, I cannot but look upon it as a kind of sin against* the Holy Ghost *(which I fear some of these* desperadoes *have wellnigh arived unto)* [d] which shall never be forgiven

c Luke 23, 24.

d 1 Cor. 12. 25, 26.

d Mat. 12. 31, 32.

to

to men, neither in this world, nor in that which is to come. *The rather because they arrogate to themselves, the* Name, Power *and* Judicature *of* THE PARLIAMENT, *no lesse than* 5. *times in this short* Nonsence Vote; *when as they are not the* Tithe *of a* Commons House, *and no* Parliament at all, without the King, and House of Lords, & *have not the least legal Jurisdiction to* seclude *or* vote *out any one* Member, *without the* Kings *or* Lords *concurence; whom they have engaged against, abjured, secluded against the very* Act *by which they pretend to sit: who were a Parliament alwaies without a Comons house til* 49H.3. *without whom they can now Enact, Vote, Order nothing, that is valid, or Obligatory to the secluded* Members *or* people; *as this and the former part of my* Register, *and Plea for the Lords, will inform those* Ignoramusses *in* Parliamentary proceedings *who think they may act, enact, and vote what they please, against all rules of Justice, the Laws of God and the Land) and our whole* Nation, *the reason and end of its present publication. If they or any others, shall receive any* New-light, *from these new unknow* Antiquities, *to reduce the* over-swelling House of Commons, *within its antient* bounds *of* loyalty *and* sobriety, *for the* peace, *and* settlement *of our* 3. Kingdoms, *reduced to the brink of utter ruine, by their dangerous Jesuitical* Innovations, *and* Usurpations *over their fellow-Members, Peers and Kings; and restore our Parliaments to their antient* Constitution, Rights, Privileges, *without any injurious* Incroachments *upon the Peoples* Liberties, *or one* House *upon the other, I shall blesse God for it, and by his assistance, proceed to publish the remaining* Sections, *for the benifit of Posterity. In the mean time, I hope this* Fragment *will demerit thy* thanks *too, and thy* fervent *Prayers for thy friend,*

The unfeined, unmercinary Servant of his
Lincolns-Inne Native Country, in his generation
Jan. 7. 1659. *William Prynn.*

THE SECOND PART OF A *Brief Register, Kalendar, and Survey of the several Kindes, Forms of* PARLIAMENTARY WRITS.

HAving already presented the world with the *First Part* of my *Brief Register, Kalendar* and *Survey* of the several *kinds*, forms of *Parliamentary Writs*, in 3. distinct Sections, with *Special* & *General* Choise useful *Annotations* on, and *Observations* from them, relating principally to the *Members* and *Assistants* of the LORDS HOUSE; I shall now proceed in this *Second Part* (by Gods assistance) to communicate to this present age and Posteritie in several Sections, the manifold varieties, forms of *Writs* issued to *Sheriffs of Shires*, and particular *Corporations* made Counties within themselves, *Wardens of the Cinqueports, Mayors* of *Towns, Burroughs*, and *Officers of the Ports*, for electing *Knights, Citizens, Burgesses, Barons of the Ports*, and other *Members*, to serve in our *Great Councils, Parliaments*, or attend

upon, or appear before them as *Aſſiſtants*, or otherwiſe upon Extraordinarie Occaſions; with the different Forms of Writs for *Proroguing*, *Adjourning*, *Superſeding Parliaments*, or *Councils* after the firſt Writs of Summons, iſſued to *Spirituol* and *Temporal Lords* of all ranks, the *Kings Counſil*, *Sheriffs*, and other *Officers*: with extraordinarie *Writs* directed to the *King*, *Nobles*, *Officers*, and others of *Scotland*; and to ſome *Lords*, *Officers*, and others in *Ireland*; as likewiſe to *Merchants*, *Maſters*, *Owners* of Ships, and other private perſons, to appear *at* or *before* the *Parliament*, or *Kings Counſil* in *England*, upon urgent occaſions, relating to the reſpective Lands, affairs, defences of *Scotland*, or *Ireland*, or to the Guarding of the Seas, Merchandize, trade, and the like, with ſundrie kinds of *Writs*, iſſued to the *Arch-biſhops*, *Biſhops*, *Convocations*, *Clergy of* England; beſides other rare *Writs* relating to our Parliamentarie affairs and proceedings; not hitherto publiſhed or inſiſted on by any Writers of our Parliaments, though moſt worthie the knowledg of all Noble-men, States-men, Parliament-men, Lawyers, Gentlemen of qualitie, Antiquaries, Hiſtorians, hitherto (for the moſt part) totally unacquainted with them, or the majoritie of them, almoſt quite buried in the grave of oblivion, many of our Records being now overſpread with duſt, cobwebs, and eaten up with ruſt, cankers, moths, worms, in their over-much neglected Cells, for want of induſtrie, care in thoſe who ſhould preſerve, and reduce them into better order, for the publike benefit of the preſent and ſucceeding ages; A Work fit to be ſpeedily executed, promoted, and no longer deferred by thoſe whom it moſt concerns, and by perſons in higheſt Authoritie as worthy their ſuperintendent eye and countenance, being the richeſt Treaſures of the whole Engliſh Nation.

SECTION

SECTION IV.

Of the ſeveral varieties, forms of Writs, for electing Knights, Citizens, *and* Burgeſſes *for* Parliaments *and great* Councils, *iſſued to the* Sheriffs *of* Counties, *intermixed with ſome of their ancienteſt* Retorns *by* Sheriffs, *and ſome writs of* Prorogation *and* Reſummons; *with ſpecial uſefull* Annotations *on, and* Obſervations *from them, after moſt of theſe* VVrits *recitals.*

VVHen and in what Kings Reign, Writs for electing *Knights, Citizens,* and *Burgeſſes* to ſerve in our great *Councils* & *Parliaments* were firſt iſſued, and they upon the peoples free choice admitted into them as *Members*, is a great yet undecided Controverſie amongſt Antiquaries, and Writers of our *Engliſh* Parliaments. (*a*) *Some* conceit, that there were Knights, Citizens, Burgeſſes, and Commons in the Reigns of our *Saxon* Kings, before the Conqueſt, ſummoned as Members to their grand Councils, and included together with the Nobles, under the name of *Sapientes*, and the like; for proof whereof they much inſiſt upon the pretended ancient Treatiſe, ſtiled, *Modus tenendi Parliamentum*, which in truth is but a late abſurd Impoſture, though cried up by (*b*) Sir *Edw. Cook* (who over doted on it for a moſt ancient Record, beyond all exceptions, relying upon it as an undoubted Oracle. Others refer their original to the Parliamentarie Council held at *Salisbury*, in the ſixteenth year of King *Henry* the 1. to which opinion *Polydor Virgil*, *Holingſhed*, *Speed*, in their Hiſtories, *Anno* 1216. Juſtice *Dodderidg*, Mr. *Cambden*, Mr. *Agar*, and *Joſeph Holland*, in their Treatiſes of the (*c*) *Antiquity of the Parliaments of* England. (*d*) Sir *Walter Raleigh*, (*e*) and others

(*a*) Mr. William Lambard in Archaion. p. 242. to 273. Mr. Nathaniel Bacon.

(*b*) 4 Inſt. p. 12. 349. 1 Inſtit. p. 110. 2 Inſt. p. 7, 8.

(*c*) Page 18, 19, 20, 40, 85, 87.

(*d*) The Prerogative of the Parliament of England. p. 2,

(*e*) The Freeholders Grand Inqueſt. p. 12, 13.

others incline, as moſt probable; Which I have at large refuted in *My Plea for the Lords*, p. 165. to 183. by unanſwerable evidences. Sir (f) *Rob: Cotton*, and (g) *Mr. Selden*, two of our learnedeſt moſt judicious Antiquaries, do rather incline, that the writs for *electing Knights, Citizens and Burgeſſes, began but about the later end of King* Henry the 3. *and that the firſt Writ of this kinde now extant*, is that in *Cl.* 49 H. 3. before which time, I conceive, it can hardly be made good by Hiſtorie or Records, that anie *Knights, Citizens, Burgeſſes or Commons elected by the people, or others*, were called to our Great Councils or Parliaments, as Members of them. That which induceth me to adhere to this opinion, are not onely the *Hiſtories* and *Records* I have (h) *elſwhere* cited during the reigns of King *Henry* the 1. King *Stephen*, *Henry* the 2. *Richard* 1. King *John*, and *Henry* the 3. of all the Parliamentarie Councils held under them before this year; which make no mention of anie ſuch *Knights, Citizens, Burgeſſes*, or *Commons* ſummoned to, or preſent in them, as Members; but only of the *Archbiſhops, Biſhops, Abbots, Priors, Earls, Nobles*, and *Great men* of the Realm; but theſe memorable Writs entred in the Clauſe Roll of 48 H. 3. which aſſure us, that there was a Parliamentarie Council ſummoned & held this year, by the *King*, his **Prelates, Lords, Nobles, & Barons**, and a Tenth granted him **by the Prelates & Lords**, ordained how to be levied & expended for the common benefit of the Realm & Church of *England*, by their unanimous Counſil and advice; without the leaſt mention at all of anie Knights, Citizens, Burgeſſes or Commons called to, or acting in it in anie kinde.

(f) Poſthuma, p. 346, 347, 348.

(h) Titles of Honor, p. 712, 713, 717.

(h) Plea for the Lords, p. 30, to 35. 57, to 128. 203, to 262. The Supplement to it, p. 401. to 417. And the 1. Part of The Regiſter, &c.

Clauſ. 48 H. 3. m. 5. dorſo. Rex *Johanni de Balliolo* ſalutem. Cum jam ſedata turbatione nuper habita in Regno noſtro, Pax inter Nos et Barones noſtros, divina cooperante gratia ordinata ſit ac firmata; Et quædam ardua negocia Nos et Regnum noſtrum tangentia Vobiſcum communicanda habeamus, quæ ſine præſentia

tia veſtra & aliorum Fidelium noſtrorum nequeunt expediri. Vobis de Conſilio Baronum noſtrorum mandamus in fide et homagio quibus Nobis tenemini firmiter injungentes, quatinus ſtatim viſis literis iſtis omnibus aliis prætermiſſis ſitis ad Nos London, ſine armis, cum ſummæ feſtinatione veniatis, ſuper præmiſſis conſilium veſtrum impenſuri. Et hoc ſicut nos honorem noſtrum, necnon et tranquilitatem Regni noſtri diligitis, nullatenus omittatis. T. Rege apud Sanctum *Paulum London* 4. die *Junii*.

Eodem modo mandatum eſt *Rogero de Clifford, Rogero de Leyburn, Hamoni Leſtraung, Roberto de Nevill, Ade de Geſmuch.*

Theſe parties were * all Lords and Barons of the Realm (not Commoners) & ſummoned by particuler Writs by name, not elected by the people; and the *Aliorum fidelium noſtrorum*, were the reſt of the Prelates, Barons and Nobles, as theſe enſuing Writs reſolve us.

* See Mat. Paris, p. 961. and the Catalogue of *Barons* in the *London* Edition of him, 1640. after the Table.

Clauſ. 48 H. 3. m. 3. dorſo. Rex *M.* Epiſcopo *Norwicen.* ſalutem. Cum per Prælatos et Magnates Regni noſtri proviſum ſit, et unanimiter conceſſum, quod Decimæ proventuum omnium beneficiorum Eccleſiaſticorum in regno noſtro conferantur, ad communem utilitatem ejuſdem Regni et Eccleſiæ Anglicanæ, et quod hujuſmodi Decimæ per locorum Epiſcopos leventur, et ad Nos mittantur. Vobis mandamus, quod hujuſmodi Decimas, quas juxta proviſionem prædictam in veſtra Dioc. de beneficiis Eccleſiaſticis levari feciſtis ad Nos ſine dilatione mittatis, convertendas in communem utilitatem Regni noſtri et Eccleſiæ prædictæ. Et hoc nullatenus omittatis. Scitote, quod niſi hoc ad mandatum noſtrum facere volueritis, De Conſilio Magnatum qui ſunt de Conſilio noſtro mandamus Vic. noſtro *Norff:* & *Suff:* ad dictam Decimam, ob defectum veſtri, quod vellemus levari, et ad Nos mitti fac. indilate. T. Rege apud *Cantuar.* primo die Septembr.

Rex

Rex Vic. *Norff. & Suff.* ſalutem. Cum per Prælatos et Magnates regni noſtri Prædiſum ſit, et unanimiter Conceſſum, *quod Decimæ proventuum, &c.* (as in the former Writ) *& ad Nos mittantur; Et jam mandaverimus M.* Norwich *Epiſcopo, quod hujuſmodi Decimas, quas juxta proviſionem prædictam de beneficiis Eccleſiaſticis in Dioc. ſua levari fecit, et ad Nos ſine dilatione mittat, convertendas* in communem utilitatem regni noſtri, et Eccleſiæ prædictæ, et hoc nullatenus omittat. Nos indempnitati Eccleſiaſticæ libertatis quatinus fieri poterit providere volentes, tibi De Conſilio Magnatum qui ſunt de Conſilio noſtro præcipimus injungentes, quod in propria perſona tua accedas ad prædictū Epiſcopum, et ipſum ex parte noſtra diligenter moneas et inducas, ut negotium iſtud juxta mandatum noſtrum expleat cum effectu. Et ſi ipſe propter hujuſmodi monitionem hoc facere neglexerit, tu ex tunc per negligentiam ipſius prædictam Decimam de hujuſmodi beneficiis Eccleſiaſticis levari, et ad Nos mitti fac. indilate. T. ut ſupra.

Cl. 48 H. 3. d. 3. Rex G. *Ebor.* Archiepiſcopo *Angliæ* Primati ſalutem. *Cum Nos, una cum* Regni noſtri Prælatis et Proceribus *ſuper alienigenarum Inimicorum noſtrorum adventu nuper præmuniti,* de Conſilio eorundem Prælatorum et Procerum *provida deliberatione duxerimus ſtatuendum, ut ab hujus defenſionis auxilio nullus excuſatur ſexus aut ordo, nullius perſonæ laboribus, nullis rerum parcatur impendiis; illa tamen devotio debita quam ad ſanctam Eccleſiam Catholicam gerimus nos induxit, ut virorum Eccleſiaſticorum in hac parte ſubſidium* de Prælatorum ordinaretur aſſenſu; qui et ſuæ et Clericorum ſuorum tranquilitati proſpicerent et bellorum clades perſonaliter evitarent, Decimam omnium Eccleſiaſticorum proventuum in ſuis Diocæſibus non ſolum nobis, ſed ad utilitatem rei publicæ Regni et Eccleſiæ *Anglicanæ* Conceſſerunt. Quia verò non tantùm Eccleſiaſticis Eccleſiæ *Eborum.* Suffraganeis et eorum Clericis, ſed et ipſi *Ebor.* Eccleſiæ veſtræ ejuſque Clericis et toti Clero regni noſtri proſpicietur in hac parte.

parte. Vobis mandamus firmiter injungendo, quod Decimam omnium Eccleſiaſticorum proventuum in Dioc. *Ebor.* exiſtentium, nullo ab hac præſtatione exempto, per vos vel miniſtros veſtros citra feſtum Sancti *Michaelis* levari, et ad Nos mitti facias. In hoc enim non modicum, Eccleſiaſticæ libertati deferimus, quod non per Ballivos noſtros in tam ardua neceſſitate, ſed per veſtros Eccleſiaſticos hujuſmodi ſubſidia ad opus reipublicæ Regni et Eccleſiæ *Anglicanæ* colligi demandemus. Et ſciatis, quod niſi hoc mandatum noſtrum cum ſumma celeritate fueritis executi, quantumcunque libertates Eccleſiæ tueri totis viribus noſtris intendimus, omittere non poſſumus nec debemus, quin pro ſecuritate regni noſtri ejuſque defenſione et communi utilitate, dictam Decimam per Ballivos noſtros levari faciamus. T. Rege apud *Cantuar.* 3. die Septembris.

* Rex Vic. *Linc.* ſalutem. Quia *Magiſter Ordinis de Semplingham* ſatisfecit Nobis de SUBSIDIO nobis præſtando ad defenſionẽ Regni noſtri contra hoſtiũ adventum alienigenarũ in regnũ prædictũ. Tibi præcipimus quod diſtrictionem quam fac. in terris et tenementis ipſius Magiſtri in balliva tua occaſione prædicta penitus relaxes, donec aliud inde tibi præceperimus. T. Rege apud *Cantuar.* 28 die *Octobr.* *Clauſ. 48 H. 3. d. 2.

Had the Commons, Knights, Citizens and Burgeſſes been preſent in, or parties to the Ayds, or Ordinances, mentiond in theſe writs of 48 H. 3. it is very probable we ſhould have found ſom footſteps or hints of it in them; but their ſilence herin, & frequent mention only of the *Prelates, Lords and Barons*, concludes, they were not ſummoned to this Parliamentary Council.

If any Object, That the *Knights and others who held of the King by Knight-ſervice*, were ſummoned to appear with their horſes, arms and ſervice in the Kings preſence at *Oxford*, as well as the *Archbiſhops, Biſhops, Abbots Priors, Earls and Barons*, and that to aſſiſt him in his preſent neceſſity *as well with their* COUNSEL as ARMS: *Objection.*

Therefore

Therefore it is probable they were ſummoned to this Parliamentarie Council, as well as the Spiritual and Temporal *Lords*, as theſe Writs import.

Clauſ 48. *H.* 3. *M.* 6. *Dorſo.* Rex *Reginaldo* filio *Petri.* Vic. *Sutbampt.* ſalutem. Cum nuper propter ſalvationem Regni noſtri, ac etiam propter guerram in eodem Regno jam ſubortum, ſummoneri feciſſemus Archiepiſcopos, Epiſcopos, Abbates, Priores, Comites, Barones, Milites & alios qui ſervicium Nobis debent, ut eſſent ad Nos apud *Oxon.* ad mediam Quadrigeſ. prox. præteritam, cum equis & armis, & toto ſervicio ſuo Nobis debito, in hujuſmodi neceſſitatis articulo **Conſilium & auxilium efficax ſuper præmiſſis impenſuri**: ac quidam ex eis ſervicium ſuum Nobis debitum ad mandatum noſtrum facere noluerint; propter quod **De Baronum conſilio & Magnatum Nobiſcum exiſtentium prouiſum eſt**, quod Baroniæ, terræ & tenementa eorum qui de Nobis tenent in capite, & qui Nobis ſerviciũ ſuum Nobis debitum juxta mandatum noſtrum facere noluerunt, capiantur in manum noſtram, donec tam de dicto ſervicio quam de hujuſmodi Tranſgreſſione nobis ſatisfecerint. Vobis mandamus firmiter injungentes, quod *Baronias* Ven. Patris S *Winton* Epiſcopi, & Abbatis de *Abindon*, qui ſervicium ſuum Nobis debitum ad mandatum noſtrum facere noluerunt, capias in manum noſtram; & catalla ſua cum bonis & catallis in ipſis inventis, ſine diſtractione ſeu dilapidatione aliqua inde facienda ſalvo cuſtodiri facias; Ita quod de bonis & catallis ipſis, vel de precio eorundem, & de exitibus *Baroniarum* prædictarum Nobis ſufficienter reſpondeas donec aliud inde præceperimus. T. Rege, apud *Oxon.* 3 die Aprilis.

Eodem modo mandatum eſt *Ade* de *Grennuill*, Vic. *Norbt.* quod capiat in manum Rs. *Baronias* Epiſcopi *Elien* & Abbatis de *Ramſey*.

Eodem modo mand. eſt. Vic. *Notingh.* & *Derb.* quod capiat in manum Rs. *Baronias* Archepiſcop. *Ebor.* & Epiſcopi *Linc.*

Which

Which Writs were accordingly executed by some of these Sheriffs, even beyond the Kings Instructions, as is evident by this Writ to the Sheriff of *Yorkshire*, upon the Archbishop of *Yorks* complaint.

Cl. 48. H. 3. m. 6. dorso, Rex *Roberto* de *Nevil*, Vic. *Ebor.* salutem. Cum *Baroniæ* quorundum Prælatorum regni nostri nuper ceperimus in manum nostram eo quod servicia sua nobis debita, nobis minimè fecerunt ad mandatum nostrum; ac vobis mandaverimus, quod *Baroniam* Ven. Patris *G. Ebor.* Archiepiscopi caperetis in manum nostram, pro eo quod servicium suum Nobis tempore competenti non exhibuit, & quod eam salvo, & absque destructione aliqua bonorum ejusdem Baroniæ custodiri faceretis; vos, ut accepimus, bonorum illorum dissipationem non modicam fieri permittitis ad gravissimum dampnum Archiepiscopi sic prædicti, super quo, nec immerito, movemur. Verum quia demandam nostram servicii dicti Archiepiscopi jam in suspenso posuimus ad tempus, vobis mandamus, quatenus Baroniam suam cum omnibus inde perceptis à tempore captionis ejusdem in manum nostram sine dilatione restituatis eidem. Quia etiam datum est Nobis intelligi, quod Milites & servientes Archiepiscopi prædicti versus Nos nuper venientes cum equis & armativis ad faciend. Nobis servicium prædictum per viam arrestastis, & quosdam ex eis adhuc in carcere detenetis, & à quibusdam eorum graves redemptiones cepistis, quod grave gerimus & indignemus; Vobis firmiter injungimus, quatinus dictos incarceratos sine mora deliberetis, & tam eis quam aliis, à quibus redemptiones cepistis, omnia per vos aut vestros sibi ablata plenarie restitui faciatis. Ne super hoc oporteat Nos gravius sollicitari propter quod ad vos graviter capere debeamus. T. Rege apud *Sutton* 26 die Maii.

1 answer. 1. That these were Writs of Summons not to a Parliament, but Camp, *cum equis & armis, &c.* as the Writs recite. 2. That the *Counsil* mentioned in it was onely *Military*, not *Parliamentary*, as the said *Answ.*

and aſſiſtance with Horſes, Arms, and military ſervices, coupled with it, reſolve; and the recital in the Writs, *ac etiam propter guerram in eodem regno jam ſubortam, &c.* 3. It is moſt apparent, by the enſuing Clauſe: *Propter quod de Baronum conſilio & Magnatum Nobiſcum exiſtentium proviſum eſt, &c.* that the Baronies of theſe Biſhops and others, who refuſed to do their ſervices ſhould be ſeiſed into the Kings hands: That the *Barons* and *great men* onely who were then preſent with the King at *Oxford*; did counſel and adviſe him, as Members of his Military, and Parliamentary Council, not the Knights and others of inferiour condition, holding of him by Knight ſervice, who then aſſiſted him onely with their Horſes, Arms, and military ſervices 4. Theſe Knights and others then ſummoned to *Oxford*, were no Knights, Citizens or Burgeſſes elected by the People and Kings Writs to ſerve in any Parliament then held at *Oxford*; but onely ſuch who held Lands of the King by Knight ſervice, which they were then ſummoned actually to perform, as his Tenants, for his defence in the Wars againſt foreign and domeſtick Enemies; as the Writs reſolve. 5. The Writs of Summons to the Parliamentary Council held this year, mentioned in the forecited *Writs*, were different in form, *date*, * *time*, place, from the objected Writs; and in the manner of appearing: The one ſummoning them to appear at *Oxford, cum equis & armis, &c.* the other to appear at *London* **ſine armis**, *conſilium veſtrum impenſuri, &c.* Therefore there being no mention of any Knights and others of inferiour condition ſummoned together with the Barons and Nobles to appear at *London* in the Parliamentary Council there held, as there is in the other Writs of Summons to the Kings Camp and Armie. It is a moſt clear convincing argument, that in 48 *H.* 3. there were no Knights, Citizens, or Burgeſſes ſummoned to the Parliament, but onely the Spiritual and Temporal Lords and Barons.

* The one 3. Aprilis, the other 4. Iunii, & 1 Septemb. following after the Wars ended and Army diſſolved, which preceeded this Parliament.

Now becauſe I meet with ſome other memorable Writs

Writs, which may ſeem in ſome mens judgment to prove that there were Knights, Citizens, Burgeſſes and Commons ſummoned to Parliaments or Councils before 49 *H.*3. I ſhall preſent you with them in order, with my Anſwers to and Obſervations on them.

The firſt and ancienteſt of them is this notable Writ of *Proclamation*, much inſiſted on, and imperfectly cited by Mr. *William Lambard*, (an eminent Antiquarie of *Lincolns* Inne) in his *Archaion. p.* 261, 262, 263. which I have faithfully tranſcribed out of the *Patent Roll* it ſelf. *Pat.* 6 *Johan.* R. 2. m. 2. dorſo, as a raritie not formerly printed.

Rex, &c. Vic. *Roteland*, &c. Scias, quod proviſum eſt * Pat. 6. Johan. Regis m. 2. dorſo. Communi aſſenſu Archiepiſcoporum, Epiſcoporum, Comitum, Baronum, & omnium fidelium noſtrorum Angliæ, quod novem Milites per totam *Angliam* inveniant decimum Militem benè paratum equis & armis, ad defenſionem Regni noſtri; & quod illi novem Milites inveniant decimo Militi qualibet die ij. Sol: ad liberationem ſuam. Et ideo tibi præcipimus, quod ſicut teipſum & omnia tua diligis, provideas, quod decem Milites de Balliva tua ſint apud *London* à die Paſche in tres ſeptimanas, bene parati equis & armis, cum liberationibus ſuis, ſicut prædictum eſt, parati ire in ſervicium noſtrum quo præceperimus, & exiſtere in ſervicio noſtro ad defenſionem Regni noſtri quantum opus fuerit. Proviſum eſt etiam, quod ſi Alienigenæ in terram noſtram venerint, omnes unanimiter eis occurrant cum fortia & armis ſine aliqua occaſione & dilatione, auditis rumoribus de eorum adventu. Et ſi quis Miles, vel ſerviens, vel alius terram tenens * conventus fuerit, * Convictus. qui ſe inde retraxerit, dummodo tanta non fuerit gravatus infirmitate quod illuc venire non poſſit, Ipſe & hæredes ſui imperpetuum exhæredantur, dabuntur, & feodum ſuum remanebit Domino * fundi, * Feodi. ad faciend. inde voluntatem ſuam; ita quod exhæredatus vel hæredes ſui nunquam inde aliquam habeant recuperationem. Si quis vero, Milites ſervientes vel alii

qui terram non habent, inventi fuerint qui ſe ſimiliter retraxerint, ipſi & hæredes ſui **Servi fient imperpetuum**, reddendo ſingulis annis iiij. d. de capitibus ſuis; nec pro paupertate omittant ad prædictum negotium venire, cum illud audierint; quare ex quo ad exercitum venerint, providebitur unde ſufficienter in ſervicio noſtro poterant ſuſtentare. Si vero Vic. vel Ball. vel Præpoſitus illos qui ſe retraxerint Nobis per breve, vel per ſcriptum, vel viva voce non oſtenderint; dict. Vic. vel Ballivus, vel Præpoſitus remanebit in miſericordia noſtra de vitâ & membris. Et ideo tibi præcipimus, quod ſub feſtinatione Proclamari facias in foris per totam Ballivam tuam, & in Mercatis & Nundinis, & alibi, & ita te de negotio illo faciendo intromittas, quod ad te, pro defectu tui, capere non debeamus. Et tu ipſe ſis apud *London* ad præfatum terminum, vel aliquem diſcretum ex parte tua mittas, & facias tunc Nobis ſciret nomina decimorum Militum. Et habeas ibi hoc Breve. Teſte meipſo apud *Wint.* 3 die Aprilis.

Sed Nota; Vic. *Eborum*, *Northumberland*, *Cumberland*, *Weſtmerland*, ſcribitur in eadem forma, hoc adjecto, Quod *Rob.* fil. *Reg.* & Conſt. *Ceſtr.* retineat de Militibus prædictis quos judicat expedire neceſſario ad defenſionem partium ſuarum.

Hæc Brevia liberata ſunt ſubſcriptis.

Eborum, *Northumbr.* *Weſtmerl.* *Cumberl.* } per *Ric. Anglicum*, Clericum *Rob.* fil. *Reg.*

Bucks. & *Bedf.* *Norf.* & *Suff.* *Eſſex* & *Herif.* *Cantebr.* & *Hunt.* *Oxon.* *Berks.* *Northt.* } per *Spaine.*

Glouc. *Honor. de Glouc.* *Worceſter.* *Hereford.* *Leic.* & *Warwic.* *Salop.* & *Staff.* *Lancaſtr.* } *Rad. de Chumbras.*

Wilts.

Wiltes *Somerset & Dorset* *Devon.* *Cornub.* *Sutht.*	*per Laurentium.*	*Linc.* *Koteland* *Not. & Derb.*	*per Rog: Bastard hominē Senescalli.*
Kent *Surr.* *Midds.* *Sussex.*	*per Thom. fil. Nigell. Clericum Willielmi de Wroth.*		

From the Prologue of this Proclamation: *Provisum est communi assensu Archiepiscoporum, Episcoporum, Comitum, Baronum, et* **omnium fidelium nostrorum Angliæ**: [a] Mr. *Lambard* inferrs, that the **Commonaltie of the Realm**, *both at this time, and long before, were summoned to our Great Councils and Parliaments, and present in, assenting to whatever was ordained in them, as well as the Spiritual and Temporal Lords*; this being in truth the probablest evidence and Authority he produceth to prove this assertion.

a Archaion, p. 261, 262, 263,

But under his correction, I aver First, neither this recital, nor any other testimonie alleged by him, doth clearly evidence, that these *omnes fideles nostri Angliæ* were Knights, Citizens & Burgesses, or *Commons of the Realm* chosen by the people by virtue of the Kings writs, and sent by them to Parliaments and Great Councils in that or former ages, as *Knights, Citizens* and *Burgesses* have been of later times, no Histories, nor Records making express mention of any such Writs or Elections of such Knights, Citizens, Burgesses of Parliament, before 49 H. 3.

2ly. The Writ of Summons extant in the [b] *Clause Roll* of 6. *Johan. Regis*, dors. 3. this very year, to the *Parliamentary Council* at *London*, (wherein this provision *for defence of the kingdom against forein Enemies*, was made as I conjecture,) makes mention only of **Magnatum terræ nostræ**, *Quos ad diem illum et locum fecimus convocari*:

b See here, p. 2, 3.

ri: not of any Commons, Knights of Shires, Citizens or Burgeſſes ſummoned to it.

3ly. [c] *Matthew Paris*, and [d] *Mar. Weſtminſter*, who inform us of another *Parliamentary Council* held under King *John* at *Oxford* this very year, expreſs it thus. *Deinde in craſtino Circumciſionis convenerunt ad* **Colloquium** (the word *Parliamentum* not being then in uſe) *apud Oxon.* **Reges et Magnates Angliæ**; *ubi conceſſa ſunt Regi auxilia militaria, de quolibet Scuto duæ marcæ et dimidia. Nec etiam* **Epiſcopi et Abbates**, *ſive Eccleſiæ perſonæ, ſine promiſſione receſſerunt*; without mentioning any *Knights, Citizens, Commons or Burgeſſes* preſent at this Council, or parties to this grant. Wherefore, if the *Ordinance* mentioned in this Writ, was made at *Oxford*, theſe *Omnium fidelium noſtrorum Angliæ* (as I conceiue) cannot properly be meant of them, but of the *Abbots, Priors,* * *Kings Counſil*, or thoſe **Omnes alios qui de Capite tenent de Nobis**, who were not **Pajores Barones Regni**, mentioned in the [e] *Great Charter of King John*, ſome few years after, in this memorable Clauſe which beſt explains this in the Proclamation: *Ad habendum* **Commune Conſilium Regni** *de auxiliis aſſidendis, ſubmoneri faciemus Archiepiſcopos, Epiſcopos, Abbates, Comites &* **Pajores Barones** *ſigillatim per literas noſtras: Et præterea faciemus* **in Generali** *per Vicecomites & Ballivos noſtros,* **omnes alios qui de Capite tenent de Nobis** *ad certum diem, ſcilicet ad terminum Quadraginta dierum ad minimum, et ad certum locum; in omnibus literis ſummonitionis illius* **Cauſam ſubmonitionis illius exponemus**: which was accordingly expreſſed in the writ of Summons 6 *Johannis*, and in all writs of like nature ſince this *Great Charter*, extant in our Records.

c Hiſt. Angl. p. 201.
d Flores Hiſt. pars 2. Ann. 1204. p. 80. Seldens Titles of Honor p. 707.

* 7 E. 1. Stat. of Mortmain. See part 1. p. 383.
e Mat. Paris, 247.

4ly. The very contents of the *Proviſion* mentioned in this Proclamation; *Quod novem Milites* (to wit, thoſe who held Lands by a Knights fee, and Knight-ſervice) *per totam Angliam inveniant decimum Militem bene paratum equis et armis, &c.* compared with

Clauſ.

Clauſe 19 H. 3. m. 1, 3, 6, 8. Prove theſe leſſer Barons and Tenants of the King to be the perſons intended in this Clauſe (not any elected Knights, Citizens and Burgeſſes,) who were either ſummoned in general to this *Council*, and conſented to this proviſion therein when paſſed; or elſe aſſented thereto after the Lords and Great men had paſſed and communicated it to them in the Countrie.

5ly. Though this Proviſion and Proclamation doe not clearly prove the Summons of any elected Knights, Citizens and Burgeſſes to this Parliamentary Council; yet they are a clear evidence; That Ordinances for raiſing Men, Forces, Taxes, and Impoſitions for the neceſſarie defence of the King and Realm againſt forein Enemies, with forfeitures of Lands, & other ſevere penalties for defaults therein, cannot, nor may not be made nor impoſed on the Freeholders or Subjects of *England*, by the King or his Counſil, but onely by the common conſent, grant and proviſion of the *Spiritual and Temporal Lords*, Great men, and other Lieges of the King, aſſembled in a Parliamentary Council; ſince the Proviſions and penalties mentioned in this Proclamation were all made by their common conſent, and that upon this occaſion.

King [f] *John* in the year 1203. paſſing out of *England* into *Normandy* with a great Army, giving himſelf over to luxurie, ſleep and careleſneſs, ſuffered the King of *France* to take many Towns and Caſtles from him, without the leaſt reſiſtance. Being frequently informed thereof by complaints from all parts, he gave no other anſwer but this to the Complainants; *Suffer him to do what he pleaſeth, I will one day recover whatever he now violently ſurpriſeth.* Hereupon *Comites et Barones, et alii de regno Angliæ Nobiles, qui ei eatenus fideliter adhæſerant talia audientes, ejuſque deſidiam incorrigibilem intelligentes, impetrata licentia quaſi illico reverſuri, remearunt ad propria*; returning no more, but leaving the King in *Normandie* with very few Soldiers; Upon which he returning into

[f] Mat. Paris, Hiſt. Angliæ, P. 200, 201, 202.

to